



THE  
AJMERE REGULATIONS

ALSO  
NOTIFICATIONS

REFERRING TO THE  
AJMERE-MERWARA DIVISION

TOGETHER WITH  
RULES, CIRCULARS, AND ORDERS REVISED AND  
CONSOLIDATED.

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# TABLE OF CONTENTS.

	PAGE
Railways—	
Government of India Notification appointing the Superintendent Rajputana-Malwa Railway Police to be a District Superintendent of Police, within the portion of Rajputana State	
way ... ..	1257
Government of India Notification appointing the Assistant Commissioner of Merwara, being an European British Subject, to be Justice of the Peace within the portions of the R. M. Railway passing through the States of Marwar and Sirohi ...	ib
Rules for the payment of expenses of complainants and witnesses attending British Criminal Courts in Rajputana ...	ib
Rules for payment of expenses of witnesses attending British Civil Courts in Rajputana ... ..	1261
Government of India Notification applying Act III of 1867 to the R. Railway System within certain states in Rajputana	1262
Government of India Notification conferring certain powers, vested in the Governor-General in Council under the Railway Act, on Local Governments in respect of Railway lines under their control ... ..	1263
Government of India Notification appointing the Inspector-General of Police Bombay, to be the Inspector-General for the new Police District ... ..	1264
Notification of the Agent Governor-General, Rajputana, appointing the Assistant Inspector-General of B. B. and C. I. and R. M. Railway Police who is a Magistrate of the 1st class, to be the Magistrate for the purposes of accident rules ... ..	ib
Government of India Notification No. 326I, dated the 24th January 1896, providing for the administration of criminal justice on the R. M. Railway ... ..	1265
Government of India Notification No. 332I, dated the 24th January 1896, applying the Civil Procedure Code, Limitation and other Acts to the Rajputana-Malwa Railway jurisdiction ...	1270
Government of India Notification No. 333I, dated 24th January 1896, providing for the administration of Civil Justice on the Rajputana-Malwa Railway ... ..	1272



Government of India Notification No. 338I, dated 24th January 1896, declaring the rank of Sub-Inspector as the rank below which Magistrates may not permit police officers of R. M. Railway Police to conduct prosecution ... ..	275
Notification of Government of India applying to Railways Native States certain provisions of the Indian Railway	1276
Government of India Notification No. 83, dated 11th February 1898, embracing <i>inter alia</i> lands occupied by the R. Railway System and the appointment of the Government Bombay in Council to discharge the functions of Government under Act V of 1861, Criminal Procedure, and other Police Enactments ... ..	1288
Rules, <i>re.</i> accidents on Railways ... ..	1289

### Registration—

The Indian Registration Act III of 1877 ... ..	1303
Appointment of Commissioner as Inspector-General of Registration	1343
Appointment of Cantonment Magistrate at Deoli as Sub-Registrar	<i>ib</i>
Exemption of certain leases under the proviso to Sec of the Registration Act of 1871 ... ..	<i>ib</i>
Summons for appearance at a Registration office to issued by Subordinate Judges and Munsiffs on application in Registering officer ... ..	<i>ib</i>
Rules framed by the Inspector-General of Registration for Ajmere-Merwara under section 69 of Act III of 1877 ... ..	1344
Table of fees for the Registration of documents, & under Act III of 1877 ... ..	1361

### Repealing and Amending Regulations—

Regulation No. IX of 1893 ... ..	1370
----------------------------------	------

### Rural Boards—

The Ajmere Rural Boards Regulation VI of 1889 ... ..	1373
The date on which the District Board came in existence ... ..	1387
Constitution of District Board ... ..	<i>ib</i>
Rules under section 22 (1) of the Ajmere Rural Boards Regulation	1390
Rules under section 23 of the Ajmere Rural Boards Regulation as to the business and affairs of the District Board, Ajmere ... ..	1408
Staging Bungalow Rules for Ajmere-Merwara ... ..	1414
Chief Commissioner's Notification extending Act VIII of 1851 (Toll on public roads) as amended by certain other Acts to Ajmere-Merwara ... ..	1416

Chief Commissioner's Notification fixing rates of toll to be levied on the Pushkar Road during a certain period of each year ...	1416
--	------

## Salt—

Government of India Notification No. 193J, dated 13th November 1878, extending the Indian Customs Act, 1875, to R. M. Railway, and prescribing conditions subject to which salt may be brought upon the land comprised by Railway ...	1417
Government of India Notification No. 199J, dated 13th November 1878, levying a duty of Rs. 2-8 per maund on all salt imported into any land forming the Rajputana State Railway (R. M. R.) ...	<i>ib</i>
Chief Commissioner's Notification directing that no salt will be available except on payment of a duty of Rs. 2-8 per maund in addition to the cost price of the salt ...	1419
Chief Commissioner's Notification directing that from 1st December 1878, no octroi duty will be levied on salt imported within the Ajmere and Beawar Municipalities and the Nusseerabad Cantonment limits ...	<i>ib</i>
Government of India Notification investing certain officers of the R. M. Railway with all the powers of stoppage and seizure conferred on Customs Officers under the Inland Customs Act, 1875 ...	<i>ib</i>
* Rules framed by the Governor-General in Council in exercise of the powers conferred by the Indian Salt Act, 1882 ...	1420
Chief Commissioner's Notification No. 765-332, dated 6th July 1887, investing Assistant Commissioners of Ajmere-Merwara with the powers of an Assistant Commissioner under the Salt Act of 1882, and certain other officers with all the powers conferred by the Act on a Salt Revenue Officer ...	1434
Duty to be paid on salt manufactured in or imported by land into British India on and after 19th January 1888 ...	<i>ib</i>
Subsidiary rules under rule 39 of the Salt rules ...	1435
Chief Commissioner's Notification investing Sub-Inspectors of Police in Ajmere-Merwara with all the powers conferred by the Salt Act of 1882 on a Salt Revenue Officer ...	<i>ib</i>
Rules framed under section 28 of the Salt Act for regulating the receipt from the public and acceptance of indents for the supply of salt at Sambhar, Pachbhadra and Khewra, and its transmission by rail to the station named by the applicant...	1436

Commissioner of Northern India, Salt Revenue Book Circular No. IX—E, dated 5th October 1891, directing that samples of illicitly manufactured substances obtained by seizing offi- cers shall each, when possible, be not less in quantity than two chittaks	... ..	1438
--	--------	------

## Stamps—

General rules for the custody, supply and sale of stamps of all descriptions	... ..	1439
---	--------	------

## Stamps—(Judicial.)

List of documents exempted from payment of Court Fees or the Court Fees payable in respect of which have been either remitted or reduced	... ..	1452
Rules under sections 20 and 22 of the Court Fees Act regarding Process Fees and Process Serving Establishments	... ..	1458
Government of India Notification directing when Court Fees may be denoted by adhesive stamps and when by impressed stamps	... ..	1467
Government of India Notification directing that the certain Court Fees payable on probates and Letters of Administra- tion shall be denoted by impressed and adhesive stamps or wholly by adhesive stamps	... ..	ib
Rules under section 27 of the Court Fees Act regarding the stamps to be used to denote the fees chargeable under the Act	... ..	1468
Rules for the sale of Court Fees stamps for Ajmere-Merwara	... ..	1470
Chief Commissioner's Notification framing certain additional rules relating to the renewal of damaged or spoiled stamps	... ..	1482
Finance and Commerce Department Resolution No. 132, dated 11th January 1888, containing rules for the refund of the value of impressed Court Fees Stamps and of Court Fee Adhesive Labels	... ..	1483
Finance and Commerce Department Resolution No. 307 S. R., dated 23rd January 1893, laying down conditions subject to which refund of values of judicial and non-judicial stamps sold to licensed vendors may be allowed	... ..	1485

Chief Commissioner's letter No. 169C, dated 9th March 1885, ordering the discontinuance of the practice of levying Court Fees on petitions presented by the relations, friends or pleaders of prisoners in Civil and Criminal Cases	...	...	1488
Commissioner's circular ordering the discontinuance of the practice of levying process fees on proclamations for the sale of property in execution of decree	...	...	<i>ib</i>
Government of India Resolutions directing a second hole to be punched by Record-keepers in the case of Court Fees Adhesive Labels	...	...	1489
Rules under section 9 of the Suits Valuation Act, 1887	...	...	1490
<b>Stamps (Non-Judicial)—</b>			
Reductions and remissions of stamp duties	...	...	1493
Stamp Rules...	...	...	1503
Chief Commissioner's Notification appointing the Commissioner of Ajmere-Merwara Chief Controlling Revenue authority for the purposes of the said Act	...	...	1510
Government of India Notification directing that the stamp duty on copies granted under the provisions of the Births, Deaths and Marriages Registration Act may be paid by Adhesive Court Fee Labels	...	...	<i>ib</i>
Rules for regulating the supply and sale of stamps under section 55 of the Stamp Act 1879	...	...	1511
Rules for the guidance of Treasury Officers and Stamp Vendors in Ajmere-Merwara under section 55 of the Indian Stamp Act 1879	...	...	1519
Finance and Commerce Department Resolution No. 1605, dated 9th June 1882, inviting attentions of Local Governments to the requirements of the laws in regard to the stamping of copies of entries in any Register of Marriages	...	...	1520
Finance and Commerce Department Resolution No. 125, dated 14th January 1881, authorizing the Local Governments to allow refunds or renewals of spoiled or useless stamps on application made after six months, but before the expiry of one year	..	...	1521
Finance and Commerce Department Resolution No. 4435, dated 27th October 1891, directing that when a licensed vendor surrenders his license or dies, the Collector may repay to him or to his representatives, the values of non-judicial stamps not spoiled or rendered unfit for use, after deducting one anna in the rupee	...	...	1522

	PAGE.
Finance and Commerce Department Resolution No. 307 S.R., dated 23rd January 1893, laying down conditions subject to which refund of values of judicial and non-judicial stamps sold to licensed vendors may be allowed	1524
Finance and Commerce Department Resolution No. 5468 S.R., dated 14th December 1898, authorizing the Local Governments to delegate to any Subordinate Revenue authority above the rank of Collector the power to deal with applications for refunds or renewals of spoilt or useless non-judicial stamps	1527
<b>Sanitation—</b>	
Regulation No. IV of 1895	1529
Rules framed by the Chief Commissioner for the improvement of sanitation in villages in Ajmere-Merwara	1531
<b>Talukdars—</b>	
Rules for the guidance of Istimrardars of Ajmere-Merwara invested with Judicial Powers and Police duties sanctioned by the Chief Commissioner in his letter No. 672, dated the 8th October 1875	1533
<b>Vaccination—</b>	
Chief Commissioner's Notification No. 1121-729, dated 18th September 1888 extending the Vaccination Act XIII of 1880 to the Cantonment of Nasirabad, and rules under section 20 of the said Act	1546
Extension of the Vaccination Act XIII of 1880 to the Ajmere Municipality	1556
Rules made by the Ajmere Municipal Committee under section 19 of the Act	1557
Extension of the Vaccination Act XIII of 1880, to the Kekri Municipality	1566
<b>Vagrancy—</b>	
Rules under section 34 of of the European Vagrancy Act XXI of 1869	1567
<b>Wards—</b>	
The Ajmere Government Wards Regulation No. I of 1888	1571
Rules under section 28, clauses (a), (b), (e) to (g), (i) and (j) of the said Regulation	1580
Appendix	1595
<b>Addenda</b>	1603

*Ex-officio appointments, and payment of expenses to witnesses in  
Criminal Courts.*

## RAILWAYS.

### FOREIGN DEPARTMENT NOTIFICATION.

[<sup>1</sup>] No. 2200—*Fort William, dated the 11th October 1872.*

The Superintendent of Rajputana State Railway Police shall be a District Superintendent of Police within the portion of the Rajputana State Railway which lies within the limits of the Ajmere District.

[<sup>2</sup>] No. 1502.—*The 14th May 1885.*

In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act 1877), the Governor-General in Council is pleased to appoint the Officer holding the appointment of Assistant Commissioner of Merwara, and being an European British subject, to be a Justice of the Peace within the portions of the Rajputana-Malwa Railway passing through the States of Marwar and Sirohi.

[<sup>3</sup>] No. 2592.—*The 30th July 1886.*

The Governor-General in Council is pleased to make the following rules, relating to the payment of the expenses of complainants and witnesses attending the British Criminal Courts in Rajputana, which were established by the Notifications cited marginally, for the purposes of enquiries, trials or other proceedings under the Code of Criminal Procedure:—

[i] No. 286-I., dated the 23rd January 1884.

\*[ii] No. 326-I., dated 24th January 1896.

[iii] No. 1915-I., dated the 28th May 1884.

The Courts are authorised to pay at the rates specified below the expenses of complainants and witnesses: 1st, in all cases, whether non-bailable or bailable in which the prosecution is instituted or carried on by, or

[1] Gazette of India, dated 12th October 1872, part 1, page 936.

[2] Gazette of India, dated 16th May 1885, part I, page 295.

[3] The Gazette of India, dated 31st July 1886, part I, page 454.

\* This was substituted for No. 1008-I, dated 21st March 1884, vide Gazette of India Notification No. 335-I, dated 24th January 1896, page 53.

## Railways.]

### *Payment of expenses to witnesses in Criminal Courts.*

under the orders, or with the sanction of, the British Government; or of any British Judge, or Magistrate; 2ndly, in all cases entered in column 5 of Schedule II, appended to the Code of Criminal Procedure, as not bailable, when it shall appear to the presiding officer to be directly in furtherance of the interests of public justice; 3rdly, in bailable cases in which the presiding officer of the Court of a Magistrate of the 1st Class, or the District Magistrate on the recommendation of any Magistrate of the 2nd or 3rd class, considers that in the interest of public justice such payment is required; 4thly, in all cases in which the witnesses are compelled to attend by the Court under the provisions of Section 540 of the Code. No payment shall be made to witnesses summoned at the instance of the complainant under Section 244, unless the prosecution appears to the Court to be in furtherance of the interests of public justice.

2. The rates referred to in the foregoing rule are as follows:—

(a) For the ordinary labouring class of Natives, 2 annas per diem.

(b) For Natives of higher rank in life, 4 annas per diem.

(c) For Europeans and Eurasians and Natives of superior rank, a diet allowance according to circumstances. Such allowance shall not generally exceed Rs. 3 per diem, but the Court shall have discretion in special cases to fix it at a higher rate.

3. Travelling expenses will be given only when the journey could not with reasonable ease and expedition have been performed on foot, or in the case of persons whose age, position, and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates:—

(a) When the journey is by rapid dak by road, the actual expenses incurred up to a maximum limit of 4 annas a mile;

(b) Where the journey is wholly or partly by rail.—

(i) For Natives generally, railway fare by the lowest class;

(ii) For Europeans, Eurasians and Natives of superior rank, second class railway fare; but the Court may at its discretion award first class fare, when the persons concerned would, from their social position, ordinarily travel by the first class.

*Payment of expenses to witnesses in Criminal Courts.*

4. From the above rules are excepted—

- (a) Government servants, who shall receive no diet allowance, but shall be entitled to travelling allowance according to the rates admissible under the Civil Service Regulations [1].
- (b) Witnesses following any profession, such as medicine or law, who shall receive an allowance not exceeding Rs. 5 per diem, according to circumstances; and when they have to travel a distance exceeding five miles, their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

The number of days which should be allowed for the journey to and from will be determined by the Court ordering the payment in each case. For this purpose a table should, if possible, be prepared and kept in each Court, showing the distance of each "thana" from the Sadder Station and subordinate stations, the number of intermediate ferries to be crossed, and the existence or absence of roads or waterways.

5. A Medical Officer other than a Civil Surgeon, or Officer in Medical charge of the Civil Station, summoned to give evidence in a Criminal Court touching the result of a *postmortem* or other examination conducted by him, in cases not falling within the ordinary discharge of his duties, will not be entitled to any remuneration other than the usual expenses paid to a witness.

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[2] No. 2966-505-G.—*Abu, the 5th October 1887.*

With reference to the Notification, cited in the margin, the Agent to the Governor-General in Rajputana is pleased to issue the following supplementary orders regarding the record and payment of expenses of complainants and witnesses attending the British Criminal Courts in Rajputana, which were established by the Government of India by Notifications (Foreign Department), No. 286-I, dated the 23rd January 1884, No. 926-I, dated 24th January 1896, and No. 1915-I, dated the 28th May 1884.

[1] This was substituted for Civil Travelling Allowance, *vide* Government of India No. 335-I, dated 24th January 1896. Gazette of India, dated 25th January 1896, part 1, page 53.

[2] Gazette of India for 1887, part 1, page 585.



## Railways.]

*Payment of expenses to witnesses in Criminal Courts.*

1. A register in the following form will be kept up in the Courts:—

*Register of expenses of Complainants and Witnesses.*

Serial number.	Number of case.	Complainants.	Witnesses.	Rate, that is (a) (b) or (c) paragraph 2, of the Government of India Notification No. 2532-I, dated the 30th July 1896.	Residence.	Number of days allowed for journey to and from Court.	For how many days detained at Court.	Total of columns 7 and 8	Diet allowance.	Travelling expenses.	Total of columns 10 and 11	Initials of officer before whom paid.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

2. The Courts will, as far as possible, observe the following procedure in the payment of diet allowance and travelling expenses to complainants and witnesses.

At the conclusion of an enquiry or trial, or of the examination of a witness, or at the close of the day, as the Court, having regard to the circumstances of the case before it, may direct, the departmental clerk will take the orders of the Court as to the payment of diet allowance and travelling expenses, the rates at which payments are to be made, and the number of days to be allowed for journeys to and from the Court, and will then prepare a statement in the form annexed. The Court after satisfying itself that the statement has been correctly prepared, shall there and then in open Court cause each complainant or witness to be paid the amount shown in the statement as due to him. As soon as the money is paid, the presiding officer of the Court will endorse on the statement prepared by the departmental clerk a certificate that the money has been paid in his presence, and make the document over to the Chief ministerial officer as a voucher in support of the disbursement, which shall be included in the contingent bill. No

*Payment of expenses of witnesses in Civil Courts.*

separate receipt will be taken from any complainant or witness to whom a payment is made, but his signature or mark will be taken in column 10 of the statement.

*Statement.*

Name.	Rate.	Residence.	Number of days allowed for journey to and from Court.	For how many days detained at Court.	Total of columns 4 and 5.	Diet allowance.	Travelling expenses.	Total of columns 7 and 8	Signature or mark of payee.
1	2	3	4	5	6	7	8	9	10

[1] No. 2791-G.—*Abu, the 8th November 1886.*

The following rules are laid down by the Agent to the Governor-General under Section 160, Act XIV of 1882 (Code of Civil Procedure), regarding the travelling and other expenses to be paid to witnesses summoned to attend the British Civil Courts in Rajputana, which were established by Foreign Department Notifications No. 286-I. (b), dated the 23rd January 1884, and No. 1333-I. (c), dated the 30th April 1885:—

I. Save as hereinafter provided, travelling and other expenses will be allowed on the following scale:—

(a) To witnesses of the class of cultivators, laborers, and menials  
3 annas a day.

**Railways.]***Payment of expenses to witnesses in Civil Courts.*

- (b) To witnesses of a better class such as zemindars, traders, pleaders, and persons of corresponding rank, from six annas to two rupees a day as the Court may direct;
- (c) To witnesses of superior rank, three rupees a day; and
- (d) The allowances of officers of Government will be regulated by the rules in the Civil Service Regulations.

II. No expenses, other than travelling charges, will be allowed to legal practitioners practising at the place where the Court which they are summoned to attend is held.

Travelling charges may be allowed to these witnesses at such rates as the Court considers reasonable and necessary.

III. Persons other than those mentioned in the last preceding rule, residing within a distance of three miles from the Court house, will be allowed their expenses at half the rates prescribed in Rule I.

IV. If a witness demand any sum in excess of what has been paid to him, such sum will be allowed if he satisfy the Court that he has actually and necessarily incurred the additional expense.

V. If a witness be detained for a longer period than one day, the expenses of his detention will be allowed at such rate not exceeding that payable under Rule I, as may seem to the Court to be reasonable and proper.

VI. The Court may, on consideration of the merits of any case, for reasons stated in writing, allow expenses on a higher scale than that prescribed in the foregoing rules.

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[1] No. 3930-I.—*Dated 5th November 1886.*

Ulwar Bhurtpore Jeypore Kishengarh	Marwar. Sirohi. Meywar. Tonk.	to the British Government full jurisdiction within those portions of land which lie within their respective territories and are
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occupied, or may be hereafter occupied, by the railways comprised in the

Rajputana-Malwa Railway system (including lands occupied as stations, out-buildings, and for other railway purposes). In exercise of this jurisdiction and of the powers conferred by Sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to extend Act III, of 1867, to the aforesaid lands, subject to the following modifications:—

- (a) The preamble, the first two paragraphs of Section 1 and Sections 2 and 18 shall be omitted.
- (b) In Section 5 for the words "Lieutenant-Governor, or Chief Commissioner" and in Section 17 for the words "Lieutenant-Governor or Chief Commissioner," as the case may be the words "Agent to the Governor-General in Rajputana" shall be read.
- (c) In Section 17 for the words and figures "Section 61 of the Code of Criminal Procedure" the words and figures "Sections 386 to 389 (both inclusive) of the Code of Criminal Procedure, 1882"\* shall be read.

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATION.

[<sup>1</sup>] No. 268.—*Dated 11th June 1890.*

In exercise of the powers conferred by Section 144 of the Indian Railways Act 1890, the Governor-General in Council is pleased to delegate to Local Governments, in regard to railways under their control, and to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act; the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor-General in Council may from time to time think fit.

1. SECTIONS 7, 9 AND 11.—All the powers and functions of the Governor-General in Council, subject to the proviso that the exercise and discharge of such powers and functions will not entail any expenditure in excess of the general powers of sanction of the Local Government concerned.

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\* Now Act V of 1898.

[<sup>1</sup>] See Gazette of India for 1890, part I, page 438.

## Railways.]

(2.) SECTION 48.—All the powers and functions of the Governor-General in Council only in cases where the railways concerned are under the control of one and the same Local Government.

(3.) SECTION 54.—All the powers and functions of the Governor-General in Council.

(4.) SECTIONS 5 AND 51, *clauses (a), (b), (c), (d), and (e); and Section 55.*—All the powers and functions of the Governor-General in Council.

(5.) SECTION 63.—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

(6.) SECTION 83.—The power of notifying the Magistrates and Police Officers to whom notices of railway accidents are to be given.

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[<sup>1</sup>] No. 1454, *dated the 10th March 1891.*

\* \* \* \* \*

(2) Under the provisions of Section 2 (2) of Act III of 1888, and Section 4 of Act V of 1861, the Governor-General in Council is pleased to appoint the Inspector-General of Police, Bombay, to be Inspector-General for the new Police District, and is further pleased to empower all existing subordinate Police Officers of the district to continue the exercise of their functions under the said Inspector-General of Police.

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[<sup>2</sup>] No. 3705-G.—*The 6th September 1895.*

In exercise of the powers conferred on him by the Government of India in their Notification No. 1328-I., dated the 23rd March 1891, and subsequent amending Notifications, the Agent to the Governor-General in Rajputana hereby appoints the Assistant Inspector-General of the Bombay, Baroda and Central India and Rajputana-Malwa Railway Police, [a] being a Magistrate of the 1st Class, to be the Magistrate who shall take action in regard to accidents occurring on those portions of the Rajputana-Malwa Railway which run through the Rajputana Agency, and on which the said Assistant Inspector-General exercises the powers of a Magistrate of the 1st Class.

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[1] See Bombay Government Gazette, 1891, part I, page 256.

[2] The Gazette of India, September 14th 1895, part II, page 1130.

[a] Now Superintendent of Police.

## GOVERNMENT OF INDIA.

## FOREIGN DEPARTMENT.

## NOTIFICATION.

[a] No. 326-I.—*Fort William, the 24th January 1896.*

Whereas the Rulers of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within those portions of land which lie within their respective States, and are occupied, or may hereafter be occupied, by the sections of the Rajputana-Malwa Railway System mentioned opposite their names respectively in the first column of the schedule (including the lands occupied as stations, out-buildings, and for other railway purposes): In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to provide as follows for the administration of criminal justice within the aforesaid portions of land:—

(1) The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below, are hereby applied to the aforesaid lands, namely—

	Number and year.		Subject.
	Act XLV of 1860	...	... Penal Code.
	„ V „ 1861	...	... Police.
	„ VI „ 1864	...	... Whipping.
[b]	„ V „ 1898	...	... Criminal Procedure.
	„ III „ 1888	...	... Police.

Provided that for the purpose of facilitating the application of the provisions of the enactments hereby applied, any Court within the aforesaid lands may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court: Provided, also, that the Code of Criminal Procedure, 1898, shall be subject to the following modifications, namely—

(a) That trials before the Court of Sessions may, in the discretion of the Judge, be conducted without the aid of jury or assessors;

[a] *Vide* Gazette of India, dated 25th January 1896, part I, page 48.

[b] Substituted for Act X, of 1882, by Government of India Notification No. 2402-IB, dated 2nd September 1898 (Gazette of India, dated 3rd September 1898, part I, page 947.)

## Railways.]

### *Criminal Jurisdiction.*

(b) That notwithstanding anything in the Code of Criminal Procedure, 1882, or the Police Act (V of 1861), or in any other enactment for the time being in force, the Governor-General in Council may confer on any police-officer all or any of the powers conferred or conferable by or under the Code on any Magistrate in regard to particular cases, or to a particular class and to particular classes of cases, or to cases generally.

(2) Every officer mentioned in the third, fourth, fifth, or sixth column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of the schedule, as are situate within the territories of the State or States mentioned opposite his name in the second column of the schedule, the powers described in section 30 of the Code of Criminal Procedure, the powers of a District Magistrate, the powers of a Magistrate of the 1st [class, and the powers of a Magistrate of the 2nd class, as described in that Code respectively; *provided that*, in any case in which the complainant (if any) and all the accused persons are not British subjects, it shall be in the discretion of the said officers, respectively, to decline to exercise the powers hereby conferred upon them.

(3) Every officer mentioned in the seventh or eighth column of the schedule hereto annexed shall exercise within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of the schedule, as are situate within the territories of the State mentioned opposite his name in the second column of the schedule, the powers of a Court of Session or a High Court, as the case may be, in respect of all offences over which jurisdiction is exercised by any officer mentioned opposite his name in the third, fourth, fifth, or sixth column of the schedule.

(4) The provisions of the last three foregoing clauses of this Notification apply to all proceedings except—

(a) Proceedings against European British subjects, or persons jointly charged with European British subjects; and

(b) Proceedings pending at the date of this Notification.

All proceedings pending at that date shall be carried on as if the provisions of the last two foregoing clauses of this Notification had not been issued.

## [Railways.

*Criminal Jurisdiction.*

(5) This Notification supersedes the undermentioned Notifications by the Government of India in the Foreign Department :—

No. 1008-I., dated the 18th March 1884.

„ 2392-I., „ „ 25th June 1884.

„ 2395-I., „ „ 25th June 1884.

„ 3259-I., „ „ 28th August 1884.

„ 1687-I., „ „ 26th May 1885.

„ 2916-I., „ „ 28th August 1885.

„ 1022-I., „ „ 25th February 1887.

„ 5012-I., „ „ 29th November 1887

„ 4308-I.,\* „ „ 18th December 1890

„ 539-I., „ „ 4th February 1892.

„ 3757-I., „ „ 3rd October 1892.

„ 64-I., „ „ 5th January 1893.

\* Only so much as refers to the Holkar State Railway, the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajputana State Railway, and the Western Rajputana State Railway.



## Railways.]

## Criminal Jurisdiction.

## SCHEDULE.

1	2	3	4
Railway.	State.	Officer invested with powers described in section 30 of Act X of 1882.	District Magistrate.
* Holkar State Railway (north of the Nerbudda).	Indore ...	The Second Assistant to the Agent to the Governor-General in Central India from north bank of Nerbudda River to south distant signal, Fatehabad Station. Political Agent in Western Malwa from south distant signal, Fatehabad Station to north distant signal, Kesar-pura Station.	The Second Assistant to the Agent to the Governor-General in Central India from north bank of Nerbudda River to south distant signal, Fatehabad Station. Political Agent in Western Malwa from south distant signal, Fatehabad Station, to north distant signal, Kesar-pura Station.
Sindia-Neemuch State Railway.	" ...		
" ...	Gwalior ...		
" ...	Dhar ...		
" ...	Rutlam ...		
" ...	Sailana ...		
" ...	Jaora ...		
Neemuch-Nasirabad State Railway.	Gwalior ...	The Contonment Magistrate of Nasirabad.	The Cantonment Magistrate of Nasirabad.
" ...	Meywar ...		
" ...	Tonk ...		
* Rajputana State Railway.	Alwar ...	The Political Agent in Alwar.	The Political Agent in Alwar.
" ...	Bhartpur ...	The Political Agent in the Eastern States of Rajputana.	The Political Agent in the Eastern States of Rajputana.
" ...	Jaipur ...	The Resident in Jaipur ...	The Resident in Jaipur ...
" ...	Jodhpur † ...		
" ...	Kishangarh ...		
Western Rajputana State Railway	Jodhpur ...	The Resident in the Western States of Rajputana.	The Resident in the Western States of Rajputana.
" ...	Sirohi ...		
Cawnpore-Achnera Railway.	Bhartpur ...	The Political Agent in the Eastern States of Rajputana.	The Political Agent in the Eastern States of Rajputana.
(‡) Godhra-Rutlam Nagda Railway.	Indore ...	The Political Agent in Western Malwa to east bank of Mahi River. The Political Agent in Bhopawar from east bank of Mahi River.	The Political Agent in Western Malwa to east bank of Mahi River. The Political Agent in Bhopawar from east bank of Mahi River.
" ...	Sailana ...		
" ...	Rutlam ...		
" ...	Jhabua ...	The Political Agent in Western Malwa.	The Political Agent in Western Malwa.
(‡) Nagda Uj-jain Railway.	Gwalior ...		

\* NOTE.—The arrangements made in regard to railway lands in Indore territory lying south of the river Nerbudda, and in the Nabba and Pataudi States are described in the Notification of the Government of India in the Foreign Department, No. 1007-I., dated the 21st March 1884.

† Vide Government of India Notification No. 2782-I.B., dated 22nd July 1897 (Gazette of India, dated 24th July 1897), part I, page 663.

‡ Vide Government of India Notification No. 122-I.B., dated 10th January 1898.

## SCHEDULE.

5	6	7	8
Magistrate of the 1st Class.	Magistrate of the 2nd Class.	Court of Session.	High Court.
The Superintendent Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The First Assistant to the Agent to the Governor-General in Central India from north bank of Ner-budda River to south distant signal, Fatehabad Station. Political Agent in Western Malwa from south distant signal, Fatehabad Station, to north distant signal Kesar-pura Station.	The Agent to the Governor General in Central India.
The Superintendent Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The Commissioner of Ajmere.	The Agent to the Governor-General in Rajputana.
The Superintendent Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.	The Political Agent in Western Malwa to east bank of Mahi River. The Political Agent in Bhopawar from east bank of Mahi River. Political Agent in Western Malwa.	The Agent to the Governor-General in Central India.
The Superintendent Rajputana-Malwa Railway Police.	An Assistant Superintendent, Rajputana-Malwa Railway Police.		The Agent to the Governor-General in Central India.

For the words "Western Malwa" wherever they occur, the word "Malwa" shall be substituted, *vide* Government of India Notification No. 122-I.B., dated 10th January 1898. (Gazette of India, dated 15th January 1898, part I, page 49.)

## Railways.]

## GOVERNMENT OF INDIA.

## FOREIGN DEPARTMENT.

## NOTIFICATION.

[1] No. 332-I.—*Fort William, the 24th January 1896.*

WHEREAS the Rulers of the States mentioned in the margin have ceded to the British Government full jurisdiction within those portions of land which lie within their respective territories and are occupied, or may be hereafter occupied, by the Railways comprised in the Rajputana-Malwa Railway System, which shall be deemed for the purposes of this Notification to include the Holkar State Railway (except the lands to the south of the river Nerbudda), the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajputana State Railway, the Western Rajputana State Railway, the Cawnpore-Achnera Railway, the Godhra-Rutlam Railway, and the Rutlam-Ujjain Railway (including the lands occupied as stations, out-buildings and for all other railway purposes):—In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification:—

1. The provisions, so far as they may be suitable, and as amended by subsequent enactments, of the Acts mentioned below are hereby declared to apply to the aforesaid lands, namely,—

Act VII of 1889 (the Succession Certificate Act).

Act X of 1865 (the Indian Succession Act 1865).

[2] Act VI of 1898 (the Indian Post Office Act).

Act VII of 1870 (the Court-fees Act).

Act I of 1872 (the Indian Evidence Act 1872).

Act IX of 1872 (the Indian Contract Act).

Act III of 1877 (the Indian Registration Act 1877).

Act XV of 1877 (the Indian Limitation Act 1877).

Act I of 1879 (the Indian Stamp Act 1879).

[1] *Vide* Gazette of India, dated 25th January 1896, part I, page 51.

[2] Substituted for Act XIV of 1866 by Government of India Notification No. 2402-I.B., dated 2nd September 1893 (Gazette of India, dated 3rd September 1893, part I, page 947).

Act V of 1881 (the Probate and Administration Act 1881).

Act XIV of 1882 (the Code of Civil Procedure).

Act XIII of 1885 (the Indian Telegraph Act).

Act IX of 1887 (the Provincial Small Cause Courts Act 1887).

Act VI of 1888 (the Debtor's Act 1888).

Provided that, for the purpose of facilitating the application of the provisions of the enactments hereby applied, any Court within the aforesaid lands may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

2. The following Notifications of the Government of India in the Foreign Department are hereby cancelled:—

No. 1329-I., dated the 30th April 1885.

„ 2920-I., „ „ 28th August 1885.

„ 1674-I., „ „ 30th April 1888.

„ 1682-I., „ „ 30th April 1888.

„ 4592-I., „ „ 21st November 1888.

„ 4589-I., „ „ 21st December 1888.

„ 1655-I., „ „ 20th April 1889.

„ 1656-I., „ „ 26th April 1889.

„ 1336-I., „ „ 23rd March, 1891.—Only so much as refers to the Holkar State Railway, the Sindia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajprana State Railway, the Western Rajputana State Railway, and the Cannore-Achnera Railway.

## Railways.]

*Civil Jurisdiction.*

## GOVERNMENT OF INDIA.

## FOREIGN DEPARTMENT.

## NOTIFICATION.

[<sup>1</sup>] No. 333-I.—*Fort William, the 24th January 1896.*

Whereas the Rulers of the States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction within those portions of land which lie within their respective States and are occupied, or may be hereafter occupied, by the sections of the Rajputana-Malwa Railway System mentioned opposite their names, respectively, in the first column of that schedule, (including the lands occupied as stations, out-buildings, and for all other railway purposes):—In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to provide as follows for the administration of civil justice within the aforesaid portions of land:—

(1) Every officer mentioned in the third column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule as are situate within the territories of the State or States mentioned opposite his name in the second column of that schedule, the powers of a Court of Small Causes, with jurisdiction in all suits cognizable under Act IX of 1887, when the amount or value of the subject-matter does not exceed one thousand rupees.

(2) Every officer mentioned in the fourth column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule, as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a District Court as defined in section 2 of the Code of Civil Procedure, with jurisdiction in all original suits, whatever be the amount or value of the subject-matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force within the said sections of the Rajputana-Malwa Railway System.

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[1] *Vide* Gazette of India, dated 25th January 1896, part I, page 51.

## [Railways.]

(3) Every officer mentioned in the fifth column of the schedule hereto annexed shall exercise, within such sections of the Rajputana-Malwa Railway System mentioned opposite his name in the first column of that schedule as are situate within the territories of the States mentioned opposite his name in the second column of that schedule, the powers of a High Court for the purpose of hearing appeals from the decisions and orders of the said District Courts, and of disposing of references from the said Courts of Small Causes, and for all other purposes whatever connected with the administration of civil justice within the said sections of the Rajputana-Malwa Railway System.

(4) The provisions of this Notification apply to all proceedings except proceedings pending at the date of this Notification which shall be carried on as if this Notification had not been issued.

(5) The following Notifications issued by the Government of India in the Foreign Department are hereby cancelled:—

No. 1333-I., dated the 30th April 1885.

„ 2921-I., „ „ 28th August 1885.

„ 2786-I., „ „ 11th July 1892.

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## Railways.]

## SCHEDULE.

1	2	3	4	5	
Railway.	State.	Court of Small Causes.	District Court.	High Court.	
* Holkar State Railway (north of the Nerbudda. Sindia-Neemuch State Railway.	Indore ... Indore ...	The Political Agent in Western Malwa.	The Political Agent in Western Malwa.	The Agent to the Governor-General in Central India.	
" " ...	Gwalior ...				
" " ...	Dhar ...				
" " ...	Rutlam (south of and including Rutlam railway station)				
" " ...	Rutlam (to the north of Rutlam Railway station)				
" " ...	Sailana ...	The Cantonment Magistrate of Neemuch.	The Cantonment Magistrate of Neemuch.		
" " ...	Jaora ..				
Neemuch-Nasirabad State Railway.	Gwalior ...	The Cantonment Magistrate of Nasirabad.	The Cantonment Magistrate of Nasirabad.		
" " ...	Meywar ...				
" " ...	Tonk ...				
Cawnpore-Achnera Railway.	Bhartpur ..	The Judicial Assistant Commissioner of Ajmere.	The Political Agent in the Eastern States of Rajputana.	The Agent to the Governor-General in Rajputana.	
Rajputana State Railway.	Alwar ...		The Political Agent in Alwar.		
" " ...	Bhartpur ...		The Political Agent in the Eastern States of Rajputana.		
" " ...	Jaipur ...		The Resident in Jaipur.		
" " ...	Jodhpur* ...				
" " ...	Kishengarh ...	The Assistant Commissioner of Merwara.	The Assistant Commissioner of Merwara.		
Western Rajputana State Railway.	Jodhpore* ...				
" " ...	Sirohi ...				
†Godhra-Rutlam Nagda Railway.	Indore, Sailana, Rutlam, Jhabua.	The Cantonment Magistrate of Neemuch.	The Cantonment Magistrate of Neemuch.	The Agent to the Govr.-Genl. in Central India.	
Nagda Ujjain Railway.	Gwalior ...	The Political Agent in Western Malwa.	The Political Agent in Western Malwa.	" "	

\* NOTE.—The arrangements made in regard to railway lands in Indore territory lying south of the river Nerbudda, and in the Nabha and Pataudi States are described in the Notification by the Government of India in the Foreign Department No. 1007-I., dated the 21st March 1884.

For the words Western Malwa wherever they occur the word "Malwa" shall be substituted. *Vide* Government of India Notification No. 122-I.B., dated 10th January 1898. *Gazette of India*, dated 15th January 1898, part I, page 49.

† *Vide* Government of India Notification No. 122-I.B., dated 10th January 1898. *Vide* Notification No. 2782-I.B., dated 22nd July 1897. (*Gazette of India*, dated 24th July 1897, part I, page 663.)

[Railways.]

*Police Officers to conduct Prosecutions.*

## GOVERNMENT OF INDIA.

## FOREIGN DEPARTMENT.

## NOTIFICATION.

[1] No. 338-I.—*Fort William, the 24th January 1896.*

Under section 495 of the Code of Criminal Procedure 1882, [2] as applied to the Rajputana-Malwa Railway System by the Notification of the Government of India in the Foreign Department, No 326-I., dated the 24th January, 1896, the Governor-General in Council is pleased to declare the rank of Sub-Inspector as the rank below which Magistrates may not permit police officers of the Rajputana-Malwa Railway Police in Central India and Rajputana to conduct prosecutions, and to empower police officers of the Rajputana-Malwa Railway Police in Central India and Rajputana of and above the rank of Assistant Superintendent to conduct prosecutions without the permission of a Magistrate.

2. The Notifications of the Government of India in the Foreign Department, Nos. 1024-I. and 1026-I., dated the 25th February, 1887, are cancelled.

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[1] Gazette of India, dated 25th January 1896, part I, page 53.

[2] Now Act V. of 1898.



**Railways.]***Application of Railway Laws.***GOVERNMENT OF INDIA.****FOREIGN DEPARTMENT.****NOTIFICATION.**

[<sup>1</sup>] No. 3063-I.B.—*Simla, the 13th August 1897.*

Whereas the Governor-General in Council has and exercises full jurisdiction within those portions of the land forming the Bangalore Branch of the Madras Railway (including the land occupied by stations and out-buildings and for other purposes connected with the Railway) which lie within the territories of His Highness the Maharaja of Mysore;

And whereas the Chiefs of Morvi, Wankaner, Wadhwon, Lakhtar, Sayla, Muli, Dhrol and Rajkot, and the Talukdars of Gavridad and Kotharia, in Kathiawar, have ceded to the British Government the civil and criminal jurisdiction exercised by them within the lands which lie within their respective territories and are occupied by the Morvi Railway and the Aji Bridge extension thereof (including the lands occupied by stations and out-buildings and for all other purposes connected with the Railway and the lands occupied by culverts or bridges over which the Railway passes); and whereas the Governor-General in Council now has full jurisdiction within those lands;

And whereas the Rulers or Administrators of the other States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction, or all the jurisdiction they had, or the jurisdiction necessary for the administration of railways and of civil and criminal justice in connection therewith, within the lands which lie within their respective territories, or which lie within the parts of their respective territories mentioned or referred to in the third column of the said schedule, and are occupied, or may be hereafter occupied, by the Railways mentioned opposite their names, respectively, in the first column of the said schedule (including the lands occupied by stations and out-buildings and for other purposes connected with the Railway); and whereas the Governor-General in Council now has jurisdiction within those lands:

In exercise of the jurisdiction referred to, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders:—

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[1] *Vide Gazette of India, dated 14th August 1897, part I, page 722.*

## [Railways.]

*Application of Railway Laws.*

- I.—The provisions, so far as they may be suitable, and as amended for the time being and from time to time by subsequent enactments, of the Indian Railways Act 1890 (IX of 1890), shall apply to all the aforesaid lands.
- II.—In exercise of the power conferred by section 16, read with section 148, sub-section (I), of the said Act so applied, the Governor-General in Council is pleased to sanction the use of locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby, on all railways occupying any of the aforesaid lands.
- III.—The general rules for working open lines of railway administered by the Government which were published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March 1895, in the *Gazette of India* for 1895, part I, page 173, shall, as modified for the time being, and from time to time for British India, apply to all lines of railway administered by the Government occupying any of the aforesaid lands, and for the time being used for the public carriage of passengers, animals or goods.
- IV.—The general rules published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March 1895, shall apply also to—
- (a) Lines of railway not administered by the Government, occupying any of the aforesaid lands and for the time being used for the public carriage of passengers, animals or goods, from such dates and with such modifications as may from time to time be prescribed in respect of their application to the portions of such lines respectively which lie in British India, or to the respective railway systems in British India which administer such lines ;
  - (b) The railways comprised in the undertaking of the Nizam's Guaranteed State Railway Company and the Morvi Railway, from such dates and with such modifications as may from time to time be prescribed in respect of their applica-

## Railways.]

### *Application of Railway Laws.*

tion to the Bezwada Extension of the East Coast State Railway, and to the Bhavnagar-Gondai-Junagad-Porbandar Railway, respectively.

V.—The general rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were published under the Notification of the Government of India in the Public Works Department, No. 480½, dated the 30th October 1890, in the *Gazette of India* for 1890, part I, page 795, shall apply to such portions of the railways occupying any of the aforesaid lands as may for the time being be under construction or sanctioned for construction.

VI.—Subject to the modification prescribed in the Circular of the Government of India in the Public Works Department No. 18, Railway, dated the 2nd November 1895, published in the *Gazette of India*, 1895, part I, page 948, and any further modifications from time to time prescribed for British India, the rules framed under sections 84 and 85 of the said Indian Railways Act 1890, which are appended to the Circular of the Government of India in the Public Works Department No. 7, Railway, dated the 19th April 1895, published in the *Gazette of India* 1895, part I, pages 336 to 338, and the directions contained in paragraphs 2 and 3 of the Resolution embodied in that Circular, shall apply to the railways occupying the aforesaid lands.

VII.—In exercise of the authority given by section 135 of the said Indian Railways Act 1890, applied as aforesaid, the Governor-General in Council is pleased to declare that the provisions of the Notifications of the Government of India in the Public Works Department, No. 270, dated the 12th June, 1890, published in the *Gazette of India* for 1890, part I, page 438, and No. 136, dated the 5th April, 1893, published in the *Gazette of India* for 1893, part I, page 190, declaring railway administrations in British India to be liable to pay certain taxes in aid of the funds of local authorities, shall apply, and shall be deemed to have applied (save as regards any tax actually paid or accrued due before the date of this

## [Railways.

*Application of Railway Laws.*

Notification), with effect from the dates which they bear, respectively, to the administrations of the railways occupying the aforesaid lands.

VIII.—In exercise of the power conferred by section 144 of the said Indian Railways Act 1890, applied as aforesaid, the Governor-General in Council is pleased to delegate to Local Governments, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act so applied, the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor-General in Council may from time to time think fit :

- (1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor-General in Council, subject to the proviso that the exercise and discharge of such powers and functions shall not entail any expenditure in excess of the general powers of sanction of the Local Government concerned.
- (2) *Section 48.*—All the powers and functions of the Governor-General in Council, but only in cases where the railways concerned are under the control of one and the same Local Government.
- (3) *Section 51, clauses (a), (b), (c), (d), and (e), and Section 55.*—All the powers and functions of the Governor-General in Council.
- (4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.
- (5) *Section 83.*—The power of notifying the Magistrates and Police-officers to whom notices of railway accidents are to be given.

IX.—The Governments and authorities mentioned in the fourth column of the Schedule hereto annexed shall be deemed, for the purposes of the said Indian Railways Act 1890, applied as aforesaid, and of clause VIII of this Notification

## Railways.]

*Application of Railway Laws.*

to be the Local Governments in respect to such parts of the railways mentioned opposite their names, respectively, in the first column of the said schedule, as are situate within the territories of the States mentioned opposite their names, respectively, in the second column of the said schedule.

X.—The following Notifications of the Government of India in the Foreign Department are hereby cancelled :—

No. 1328-I., dated the 23rd March 1891.

„	3149-I.,	„	29th July 1891.
„	3191-I.,	„	31st July 1891.
„	285-I.,	„	21st January 1892.
„	504-I.,	„	9th February 1893.
„	507-I.,	„	9th February 1893.
„	766-I.,	„	2nd March 1893.
„	2111-I.,	„	15th June 1893.
„	2431-I.,	„	13th July 1893.
„	3464-I.,	„	5th October 1893.
„	3651-I.,	„	19th October 1893.
„	105-I.,	„	11th January 1894.
„	3355-I.,	„	20th September 1894.
„	1579-I.,	„	17th May 1895.
„	1582-I.,	„	17th May 1895.
„	139-I.,	„	9th January 1896.
„	228-I.,	„	16th January 1896.
„	419-I.,	„	30th January 1896.
„	509-I.,	„	6th February 1896.
„	821-I.,	„	3rd March 1896.
„	1129-I.,	„	2nd April 1896.



*Railway Lands*

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
Ahmedabad-Parantij Railway	Baroda ...	.....	The Government of Bombay.
Ditto	Idar ...	.....	Ditto.
Barsi Light Railway	Hyderabad ...	.....	Ditto.
Bengal-Nagpur Railway	Bamra ...	.....	The Chief Commissioner of the Central Provinces.
Ditto	Khairagarh ...	.....	Ditto.
Ditto	Nandgaon ...	.....	Ditto.
Ditto	Raigarh ...	.....	Ditto.
Ditto	Rewah ...	.....	Ditto.
Ditto	Sakti ...	.....	Ditto.
Ditto	Gangpur ...	.....	Ditto.
Ditto	Ditto ...	.....	Ditto.
Ditto	Ditto ...	.....	Ditto.
Ditto	Ditto ...	.....	Ditto.
Ditto	Ditto ...	.....	Ditto.
Bhavnagar-Gondal-Junagad-Porbandar Railway	Khursayan ...	The part of the State comprised in the Hingir Taluk	Ditto.
(Dhoraji-Probendar Section)	Moharbhaj ...	The western parts of the State between the Sambalpur Road and Govindpur Railway Stations	Ditto.
Ditto	Seraikilla ...	The eastern parts of the State	Ditto.
Ditto	Gondal ...	.....	The Government of Bengal.
(Jetalpur-Rajkot Section)	Navanagar ...	.....	Ditto.
Ditto	Porbandar ...	.....	Ditto.
Ditto	Gadhka ...	.....	Ditto.
Ditto	Gondal ...	.....	Ditto.
Ditto	Jetpur ...	.....	Ditto.
Ditto	Junagad ...	.....	Ditto.
Ditto	Katharia ...	.....	Ditto.





# *SCHEDULE—Continued.* *Railway Lands on which the Government of India exercise jurisdiction—Continued.*

Railways.]

1284

Railway.	State.		Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
	1	2		
(4) Jhansi-Manickpur Section	...	Orchha ...	.....	The Agent to the Governor-General in Central India. Ditto. Ditto.
Ditto	...	Pahra ...	.....	
Ditto	...	Taraon ...	.....	
(5) Saugor-Katni Section	...	Panna ...	.....	
Jammu and Kashmir Railway	...	...	.....	The Chief Commissioner of the Central Provinces. The Resident in Kashmir. The Government of Bombay.
Jamnagar Railway	...	Jammu ...	.....	
Kolar Gold Fields Railway	...	Navanagar ...	.....	
Kolhapur State Railway	...	Dhrol, Rajkot, Jalin Pal *	.....	
Kotri-Rohri Railway	...	Mysore...	.....	The Resident in Mysore. The Government of Bombay. Ditto. Ditto.
Madras Railway	...	Kolhapur ...	.....	
Do. (Bangalore Branch)	...	Miraj ...	.....	
Mehsana-Virangam Railway	...	Sangli ...	.....	
Morvi Railway	...	Khairpur ...	.....	The Resident at Hyderabad. The Resident in Mysore. The Government of Bombay.
	...	Hyderabad	.....	
	...	Mysore ...	.....	
	...	Baroda ...	.....	
	...	...	.....	
	...	...	.....	
	...	...	.....	
	...	...	.....	
	...	...	.....	
	...	...	.....	
Ditto	...	The Katosan and Ipurat Estates of the Mahi Kantha Agency	.....	Ditto. Ditto. Ditto. Ditto. Ditto. Ditto.
	...	Dhrol ...	.....	
	...	Gavridad ...	.....	
	...	Kotharia ...	.....	
	...	Lakhtar...	.....	
	...	Morvi ...	.....	
	...	Muli ...	.....	
	...	...	.....	
	...	...	.....	
	...	...	.....	

Ditto (including the Aji Bridge Extension)	Rajkot ...	...	.....	Ditto.
Ditto	Sayla ...	...	.....	Ditto.
Ditto	Wadhwan ...	...	.....	Ditto.
Ditto	Wankaner ..	...	.....	Ditto.
Mysore State Railway (from and inclusive of the Harihar Railway Station to and inclusive of the Bangalore Railway Station, and from and inclusive of the Yeswantpur Junction Railway Station to the frontier of the State on the Bangalore-Hindupur Section)	Mysore ..	...	.....	The Resident in Mysore.
Nagda-Ujjain Railway	Gwalior ...	...	.....	The Agent to the Governor-General in Central India.
The Railways comprised in the undertaking of the Nizam's Guaranteed State Railways Company	Hyderabad	...	.....	The Resident at Hyderabad.
North-Western State Railway (the Sind, Punjab and Delhi line)	Kapurthala	...	.....	The Government of the Punjab.
Ditto	Nabha	...	.....	Ditto.
Ditto	Patiala ...	...	.....	Ditto.
Ondh and Rohilkhand State Railway	Rampur	...	.....	The Government of the North-Western Provinces.
Palanpur-Deesa Railway	Palanpur	...	.....	The Government of Bombay.
Rajpipla State Railway	Rajpipla	...	.....	Ditto.
Rajputana-Malwa Railway—	Bharatpur	...	.....	The Agent to the Governor-General in Rajputana.
(1) Cawnpore-Achnera State Railway	Indore ...	...	.....	The Chief Commissioner of the Central Provinces.
(2) Holkar State Railway	Do. ...	...	.....	The Agent to the Governor-General in Central India.
Ditto	Gwalior ...	...	.....	Ditto.
(3) Neemuch-Nasirabad State Railway	Meywar ...	...	.....	The Agent to the Governor-General in Rajputana.
Ditto	Tonk ..	...	.....	Ditto.
(4) Rajputana State Railway	Alwar ..	...	.....	Ditto.
Ditto	Bhartpur	...	.....	Ditto.
Ditto	Jaipur ...	...	.....	Ditto.
Ditto	Jodhpur...	...	.....	Ditto.
Ditto	Kishengarh	...	.....	Ditto.

# *SCHEDULE—Continued.* *Railway Lands on which the Government of India exercise jurisdiction—Continued.*

Railways.]

1286

Railway.	State.		Specified parts of the State within which jurisdiction has been ceded over Railway lands.	Government or Authority deemed to be the "Local Government."
	1	2		
Rajputana State Railway	...	Nabha ...	...	The Government of the Punjab. Ditto. Ditto. Ditto. Ditto. Ditto.
(5) Rewari-Ferozepur Railway	...	Pataudi ...	...	
Ditto	...	Dujana ...	...	
Ditto	...	Faridkot ...	...	
(6) Sindhia-Neemuch State Railway	...	Jind ...	...	The Agent to the Governor-General in Central India. Ditto. Ditto. Ditto.
Ditto	...	Nabha ...	...	
Ditto	...	Patinda ...	...	
Ditto	...	Dhar ...	...	
(7) Western Rajputana State Railway	...	Gwalior ...	...	The Government of Bombay. Ditto. Ditto. Ditto.
Ditto	...	Indore ...	...	
Ditto	...	Jaora ...	...	
Ditto	...	Rutlam ...	...	
Southern Mahratta Railway—	...	Sailana ...	...	The Agent to the Governor-General in Rajputana. Ditto. Ditto. Ditto.
(1) Main line	...	Baroda ...	...	
Ditto	...	Palanpur ...	...	
Ditto	...	Jodhpur ...	...	
Ditto	...	Serohi ...	...	The Government of Bombay. Ditto. Ditto. Ditto.
Ditto	...	Hyderabad	...	
Ditto	...	...	...	
Ditto	...	...	...	

The villages of Angondankop, Bannikop, Basapur, Bhanapur, Bevinhalli, Bullapur, Dudagali, Ginigeri, Halgeri, Hatanbal, Hosahalli, Itgi, Khanapur, Kidadhal, Kuppul, Melensankop, Manapur, Rudrapur, Soumpur, Talbal, Talkal and Yettinhalli

(2) Bijapur Branch	...	...	...	...	The villages of Khanapur, Kegaon, Budruk, Kegaon Khurd, Sular Jawaige and Tadval	Ditto.
Ditto	...	...	...	...	The villages of Asoti and Somankatti	Ditto.
Ditto	...	...	...	...	The village of Lachan	Ditto.
(3) Harihar Branch	...	...	...	...	The villages of Kamdoli, Kundgol, Pur, Sawshi and Sirur	Ditto.
Ditto	...	...	...	...	The village of Gudgeri	Ditto.
Ditto	...	...	...	...	The villages of Honnikop and Tondur	Ditto.
(4) Mysore Section	...	...	...	...	The portion of land which lies between the centre of the Harihar Railway Bridge as measured from bank to bank and the north distant signal of the Harihar Railway Station	Ditto.
(5) Poona Branch	...	...	...	...	The villages of Bichud, Kundal and Viravde	Ditto.
Ditto	...	...	...	...	The village of Shirawde	Ditto.
Ditto	...	...	...	...	The villages of Bambual, Budihal, Chinchli, Hubarhatti, Mavinhuda, Morab Nagral and Raybag	Ditto.
Ditto	...	...	...	...	The villages of Angal and Budhihal	Ditto.
Ditto	...	...	...	...	The villages of Dawunkutti Majgaum, Sulga and Yellur	Ditto.
Ditto	...	...	...	...	The villages of Miraj, Narvad and Wuddi	Ditto.
Ditto	...	...	...	...	The village of Budgaon	Ditto.
Ditto	...	...	...	...	The villages of Adarki Khurd, Hingangaon, Kapadgaon Koparde, Salpa and Tambwe	Ditto.
Ditto	...	...	...	...	The villages of Chandur, Dudhondi, Ghogay, Jhad Shahapur, Kalkhamb, Karnol, Khangay Budruk, Khangav Khurd, Mhaisal, Nandre, Sangli, Tumbarguddi, Tupari, Ugar Khurd and Yadalbhavilatti	Ditto.
Southern Punjab Railway—	...	...	...	...	.....	The Government of the Punjab.
.....	...	...	...	...	.....	Ditto.
Tapti Valley Railway—	...	...	...	...	.....	Ditto.
Surat Amalner Section	...	...	...	...	.....	The Government of Bombay.
.....	...	...	...	...	.....	.....

\* Vide Government of India's Notification No. 322 I.B., dated 4th February 1898, dated 5th February 1898, part I, page 3.)

*Creation of a General Police District.*

## GOVERNMENT OF INDIA.

## HOME DEPARTMENT.

[a] No. 83, dated 11th February 1898.

“In exercise of the powers conferred by section 2, sub-sections (1) and (2) of the Police Act 1888 (III of 1888), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to create a general Police District, embracing all the lands for the time being occupied by the Ahmedabad-Parántij Railway, by the Bombay, Baroda and Central India Railway, by the Rájpipla State Railway, by the Raiputana-Malwa Railway System (including the Holkar State Railway, the Sindhia-Neemuch State Railway, the Neemuch-Nasirabad State Railway, the Rajputana State Railway, the Western Rajputana State Railway, the Pálanpur-Deesa Railway, the Godhra-Rutlam-Nagda Railway, the Nagda-Ujjain Railway and the Rewari-Ferozepur State Railway, but excluding the Cawnpore-Achnera State Railway), and by the Tapti Valley Railway, respectively, all lands occupied by stations, by out-buildings and for other railway purposes being included, and to direct the enrolment under Act V of 1861 of a Police force for service therein.

“II.—The Governor-General in Council is also pleased to appoint the Governor of Bombay in Council to discharge within the general Police District aforesaid, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure 1882 (X of 1882), [b] and any other enactment relating to Police for the time being in force in the lands aforesaid or in any part thereof.

“III.—The following Notifications of the Government of India in the Home Department are hereby cancelled :—

No. 4, dated the 6th January 1891.

No. 39, dated the 24th January 1896.

No. 359, dated the 24th June 1897.

No. 496, dated the 28th August 1897.”

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[a] *Vide* Gazette of India, dated 12th February 1898, part, I page 130.

[b] Now Act V. of 1898.

## GOVERNMENT OF INDIA.

## PUBLIC WORKS DEPARTMENT.

## RAILWAY TRAFFIC.

[a] Circular No. 7 Railway.—*Simla, the 19th April 1895.*

READ.—The following extracts from the Indian Railways Act IX of 1890, in regard to accidents: *Section 83.*—

Report of railway accidents.

When any of the following accidents occurs in the course of working a railway, namely:—

*\*Indian Penal Code, Act XLV of 1860, section 320.*—The following kinds of hurt only are designated as “grievous”:

*First*—Emasculation.

*Secondly*—Permanent privation of the sight of either eye.

*Thirdly*—Permanent privation of the hearing of either ear.

*Fourthly*—Privation of any member or joint.

*Fifthly*—Destruction or permanent impairing of the powers of any member or joint.

*Sixthly*—Permanent disfiguration of the head or face.

*Seventhly*—Fracture or dislocation of a bone or tooth.

*Eighthly*—Any hurt which endangers life, or which causes the sufferer to be during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

- (a) Any accident attended with loss of human life, or with grievous hurt, as defined in the Indian Penal Code,\* or with serious injury to property;
- (b) Any collision between trains of which one is a train carrying passengers;
- (c) The derailment of any train carrying passengers, or of any part of such a train;
- (d) Any accident of a description usually attended with loss of human life, or with such grievous hurt as aforesaid or with serious injury to property;
- (e) Any accident of any other description which the Governor-General in Council may notify in this behalf in the *Gazette of India*;

the railway-administration working the railway and, if the accident happens to a train belonging to any other railway-administration, the other railway-administration also shall, without unnecessary delay, send notice of the accident to the Local Government and to the Inspector appointed for the railway; and the Station Master nearest to the place at which the accident occurred

[a] *Vide Gazette of India*, dated 4th May 1895, part I, page 336.

## Railways.]

### Accidents.

or, where there is no Station Master, the railway servant in charge of the section of the railway on which the accident occurred shall, without unnecessary delay give notice of the accident to the Magistrate of the district in which the accident occurred, and to the officer in charge of the Police Station within the local limits of which it occurred, or to such other Magistrate and Police Officer as the Governor-General in Council appoints† in this behalf.

†The power of appointing Magistrates and Police Officers to whom notices of accidents are to be given has been delegated under section 144 of the Indian Railways Act, 1890, to Local Governments—see notification No. 268, dated 11th June 1890, in *Gazette of India* 1890, part I, page 438.

*Section 84.*—The Governor-General in Council may make rules, consistent with this Act and any other enactment for the time being in force, for all or any of the following purposes, namely:—

Power to make rules regarding notices of and enquiries into accidents.

- (a) For prescribing the forms of the notices mentioned in the last foregoing section and the particulars of the accident which those notices are to contain;
- (b) For prescribing the class of accidents of which notice is to be sent by telegraph immediately after the accident has occurred;
- (c) For prescribing the duties of Railway Servants, Police Officers, Inspectors and Magistrates on the occurrence of an accident.

*Section 85.*—Every railway administration shall send to the Governor-General in Council a return of accidents occurring upon its railway, whether attended with personal injury or not in such form and manner and at such intervals of time as the Governor-General in Council directs.

Submission of return of accidents.

*Section 92.*—If a railway company fails to comply with the provisions of \* \* \* section 85 with respect to the submission of any return, it shall forfeit to the Government the sum of fifty rupees for every day during which the default continues after the fourteenth day from the date prescribed for the submission of the return.

Penalty for delay in submitting returns under section \* \* 85.

## [Railways.

*Accidents.*

*Section 96.*—If a railway company omits to give such notice of an accident as is required by section 83 and the rules for the time being in force under section 84, it shall forfeit to the Government the sum of one hundred rupees for every day during which the omission continues.

Penalty for omitting to give the notices of accidents required by section 83 and under section 84.

*Section 103.*—If a Station Master or a railway servant in charge of a section of a railway omits to give such notice of an accident as is required by section 83 and the rules for the time being in force under section 84, he shall be punished with fine which may extend to fifty rupees.

Omission to give notice of accident.

OBSERVATIONS.—In Government of India letter No. 86 R. T., dated the 20th February 1891, now read again, the Local Governments and Administrations, officers controlling railways and railway administrations were asked for an expression of their opinion on the draft rules for enquiring into, and reporting on accidents on railways, which formed an enclosure to that letter. Replies have now been received, and, after careful consideration of the several suggestions offered and of the provisions of the sections of the Indian Railways Act, 1890, read above, the rules have been revised so as to render them suitable for general adoption.

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RESOLUTION.—The rules herewith enclosed are published for general information.

2. It will be observed that the rules forming enclosure No. 1 which have been framed under section 84 of the Indian Railways Act, 1890, relate only to accidents occurring in the course of working a railway. In the case of accidents occurring otherwise than in the course of working a railway, e.g., damage to the line or works from excessive floods, etc., involving interruption to traffic but not causing any train accident, the railway administration should send notice of the occurrence by telegram to the Government Inspector who, for the portion of the railway on which the accident occurs, performs the duties prescribed in section 4, sub-section (2), clauses (a) and (b) of the said Act. Rules 22 to 27 of Enclosure No. 1, which have been framed



## Railways.]

### *Accidents.*

under section 84 of the Act, will, so far as they may be applicable, also regulate the duties of the Government Inspector in regard to accidents occurring otherwise than in the course of working a railway [a].

The rules forming Enclosure No. 2, which have been framed under section 85 of the Act, relate not only to accidents which occur on a railway, but to all other railway accidents.

3.—The present rules and orders are confined to railways in British India. A notification will be issued by the Government of India in the Foreign Department applying them to railways occupying lands in Native States.

4.—The following Government of India circulars are hereby cancelled:—

Government of India circular No. 4 Ry., dated the 5th March 1878.

Government of India circular No. 27 Ry., dated the 16th September 1878.

Government of India circular No. III Ry., dated the 7th January 1881.

Government of India circular No. XI Ry., dated the 4th July 1885.

Government of India circular No. VII Ry., dated the 19th May 1886.

Government of India circular No. IV Ry., dated the 24th April 1888.

Government of India circular No. XIX Ry., dated the 18th September 1890.

Government of India circular No. I Ry., dated the 7th March 1892.

ORDER.—Ordered that this resolution be communicated to the Local

Governments and Administrations, and

The Governments of Madras, Bombay and Bengal.

The Chief Commissioners of Burma and Assam.

The Resident at Hyderabad.

The Agent to the Governor-General for Rajputana.

The Director-General of Railways.

The Consulting Engineers to the Government of India for Railways, Calcutta, Lucknow and Assam.

to the officers noted in the margin, for information and guidance; and to the Governments of the North-Western Provinces and Oudh and the Punjab, the Chief Commissioner of the Central Provinces, the Resident in Mysore, the Agents to the Governor-General for

Central India and Baluchistan, and the Accountant-General, Public Works Department, for information.

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[a] Substituted for the original, *vide* Government of India's Circular No. 9, dated 11th June 1898 (*Gazette of India*, part I, page 737.)

## [Railways.

*Accidents.*

Ordered also that this resolution, together with the rules and forms referred to therein, be further notified to railway servants by a copy thereof being kept open to inspection, free of any charge, in the office of the Station Master of every station in the case of open lines, and of the Engineer in charge in the case of lines under construction.

Ordered further that this resolution, together with the rules and forms referred to therein, be forwarded to the Home Department for information, and be published under a Notification in Part I of the *Gazette of India*.

*Enclosure No. 1 to Government of India circular No. 7 Railway of 1895*

In exercise of the powers conferred by section 84 of the Indian Railways Act, 1890, the Governor-General in Council is pleased to make the following rules regarding notices of accidents occurring in the course of working a railway and the duties of Railway Servants, Police Officers, Government Inspectors, and Magistrates on the occurrence of such accidents.

*Notices.*

1. The notices mentioned in section 83 of the Indian Railways Act, 1890, shall contain the following particulars, namely :—

Mileage at which the accident occurred, and the name of the station nearest to the spot ;

Time and date of the accident, and the number and description of the train or trains ;

Nature of the accident, and the number of people killed or injured as far as known ;

Cause of the accident, as far as known ;

Probable detention to traffic.

2. In the case of the following accidents, namely :—

(a) Accidents attended with loss of human life, or with serious injury to persons or property, or

(b) Collisions between trains, of which one is a train carrying passengers, or

(c) The derailment of any train carrying passengers, or of any part of such a train.

## Railways.]

### *Accidents.*

such notices shall be sent by telegraph immediately after the accident has occurred.

*N.B.*—Notices of accidents described in section 83 of the Indian Railways Act, 1890, and not falling under rule 2, must, in accordance with that section, be given without unnecessary delay, and may be sent by post.

### *Duties of Railway Servants.*

3. Every railway servant shall report, with as little delay as possible, every accident occurring in the course of working the railway on which he is employed which may come to his notice. Such reports shall be made to the nearest Station Master, or, where there is no Station Master, to the railway servant in charge of the section of the railway on which the accident has occurred.

4. (1) Whenever an accident such as is described in section 83 of the Indian Railways Act, 1890, has occurred in the course of working a railway the Agent or Manager shall cause a departmental enquiry to be promptly made by a railway servant for the thorough investigation of the causes which led to the accident :

Provided that such enquiry may be dispensed with—

- (a) If the accident has not been attended with loss of human life or with serious injury to persons or property ;
- (b) If there is no reasonable doubt as to the cause of the accident; and
- (c) If one department of the railway intimates that it accepts all responsibility in the matter.

(2) Where a departmental enquiry is dispensed with, it shall be the duty of the Heads of Departments of the railway to make such enquiry as they may consider necessary if their staff or their system of working is concerned, and to adopt or suggest such measures as they may consider expedient for preventing a recurrence of similar accidents.

## [Railways.

*Accidents.*

5. (1) Whenever a departmental enquiry is to be made, the Agent or Manager shall cause notice of the date and hour at which the enquiry will commence to be given to the following officers, namely :—

- (a) The Magistrate of the district in which the accident occurred or such other officer as the Local Government may appoint in this behalf;
- (b) The Government Inspector appointed under section 4, subsection (1) of the Indian Railways Act, 1890, for the section of the railway on which the accident occurred;
- (c) The Consulting Engineer in administrative charge of the railway, when that officer is not the Government Inspector referred to in clause (b) of this rule for the section of the railway on which the accident occurred; and
- (d) The officer in charge of the railway police, or if there are no railway police, the officer in charge of the police station in the jurisdiction of which the accident occurred.

(2) The date and hour at which the enquiry will commence shall be fixed so as to give the officers mentioned or referred to in clauses (a), (b), (c) and (d) of this rule sufficient time to reach the place where the enquiry is to be held.

6. (1) As soon as any departmental enquiry has been completed, the railway servant who made the enquiry shall submit to the Agent or Manager a report in the form prescribed by rule 25.

(2) The Agent or Manager shall forward a copy of such report—

- (a) To the Government Inspector mentioned in rule 5, clause (b), and
- (b) If no enquiry has been made under rule 16, or if the departmental enquiry has been held first, to the Magistrate or officer mentioned in rule 5, clause (a), and,
- (c) If any judicial enquiry is being made, to the Magistrate making such enquiry.

(3) Such copy shall be accompanied—

in case (b), by a statement of the persons, if any, whom the Agent or Manager desires to prosecute, and in case (c), by a copy of the evidence taken at the departmental enquiry.

**Railways.]***Accidents.*

6. (A) Whenever the Agent or Manager receives a copy of the Government Inspector's report as contemplated in rule 24, he shall submit his remarks thereon through the authority in administrative control of the railway for the information of the Government of India, and shall forward a copy of such remarks to the Government Inspector concerned [a.]

7. (1) Whenever any accident has occurred in the course of working a railway, the Agent or Manager shall give all reasonable aid to the District Magistrate or the Magistrate appointed or deputed under rule 16, and to the Government Inspector, Medical Officers, the police, and others concerned to enable them promptly to reach the scene of the accident, and shall assist those authorities in making enquiries and in obtaining evidence as to the cause of the accident.

(2.) When any enquiry under rule 16, or any judicial enquiry is being made, the Agent or Manager shall arrange for the attendance, as long as may be necessary, at the office or place of enquiry, of all railway servants whose evidence is likely to be required.

8. Whenever any accident has occurred in the course of working a railway and any offence referred to in section 131 of the Indian Railways Act, 1890, has been committed, the Agent or Manager or some officer of the railway nominated by him, or if there be no such officer, the railway officer of highest rank present may direct the senior police officer or policeman present, or, if there be no member of the police force present, a railway servant, at once to arrest the offender, and no railway servant shall arrest any person under the authority of the said section without such direction except for the purpose of preventing him from making his escape. Provided that, when such offender is a railway servant whose arrest is considered for any reason undesirable, proper precautions shall be taken to prevent his escape.

9. Whenever any accident occurring in the course of working a railway has been attended with serious personal injury, it shall be the duty of the Agent or Manager to afford medical aid to the sufferers, and to see that they are properly and carefully attended to till removed to their home or handed over to the care of their relatives or friends. In any such case, or in any case in which any loss of human life has occurred, the local medical officer should be communicated with if he is nearer than any railway medical officer.

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[a] *Vide* Government of India Circular No. IX, dated 11th June 1898 (*Gazette of India*, part I, page 737.)

## [Railways.

*Accidents.**Duties of Police Officers.*

10. The railway police may make an investigation into the causes which led to any accident occurring in the course of working a railway, and shall do so—

- (a) Whenever any such accident is attended with loss of human life or with grievous hurt as defined in the Indian Penal Code, or with serious injury to property, or has *prima facie* been due to any criminal act or omission; or
- (b) Whenever the District Magistrate or the Magistrate appointed under rule 16 has given a direction under clause (c) of that rule:

Provided that no such investigation shall be made when a magisterial enquiry has been commenced or ordered under rule 16, clause (a) or clause (b).

11. (1) Whenever an investigation is to be made by the railway police—

- (a) In a case in which an accident is attended with loss of human life or with serious injury to persons or property; or
- (b) In pursuance of a direction given under rule 16, clause (c),

the investigation shall be conducted by the officer in charge of the railway police, or, if that officer should be unable to conduct the investigation himself, then by an officer to be deputed by him.

(2) An officer deputed under clause (1) of this rule shall ordinarily be an Assistant Superintendent of Police, but if in any case it should be found impracticable to depute an officer of that grade, an Inspector of Police may be deputed.

12. The officer who is to conduct an investigation in pursuance of rule 11 shall proceed without delay to the scene of the accident and conduct the investigation there, and shall at once advise the Agent or Manager of the railway and the Traffic Officer of the district by telegraph of the date and hour at which the investigation will commence, so that, if possible, the presence of a railway official may be arranged for to watch the proceedings and to aid the officer making the investigation. The absence of a railway

## Railways.]

### *Accidents.*

official must not, however, be allowed to delay the investigation, which should be made as soon as possible after the accident has taken place.

13. (1) In every case to which rule 11 applies, immediate information shall be given by the railway police to the district police, who, if so required shall afford all necessary assistance, and shall, if occasion arise, carry the investigation beyond the limits of the railway premises. But the railway police are primarily entrusted with the duty of carrying on the investigation within such limits.

(2) Subject to any provisions elsewhere contained in these rules, the further prosecution of the case, on the conclusion of the police investigation shall rest with the railway police.

14. The result of every police investigation shall be reported at once to the Magistrate of the district, or other officer appointed in this behalf by the Local Government, and to the Agent or Manager of the railway.

15. Where there are no railway police, the duties imposed by rules 10 11, and 12, rule 13 clause (2), and rule 14 on the railway police, or on the officer in charge of the railway police, shall be discharged by the district police or by the District Superintendent of Police, as the case may be.

### *Duties of Magistrates.*

16. Whenever an accident such as is described in section 83 of the Indian Railways Act 1890, has occurred in the course of working a railway, the District Magistrate, or any other Magistrate who may be appointed in this behalf by the Local Government, may either—

- (a) Himself make an enquiry into the causes which led to the accident; or
- (b) Depute a Subordinate Magistrate, who, if possible, should be a Magistrate of the first class, to make such an enquiry; or
- (c) Direct an investigation into causes which led to the accident to be made by the Police.

17. Whenever it is decided to make an enquiry under rule 16, clause (a) or clause (b), the District Magistrate or other Magistrate appointed as

## [Railways.

*Accidents.*

aforesaid, or the Magistrate deputed under rule 16, clauses (b), as the case may be, shall proceed to the scene of the accident and conduct the enquiry there, and shall at once advise the Agent or Manager of the railway and the Government Inspector by telegraph of the date and hour at which the enquiry will commence, so as to enable the railway administration to summon the requisite expert evidence.

18. A Magistrate making an enquiry under rule 16 may summon any railway servant, and any other person whose presence he may think necessary, and, after taking evidence and completing the enquiry, shall, if he considers there are sufficient grounds for a judicial enquiry, take the requisite steps for bringing to trial any person whom he may consider to be criminally liable for the accident. Whenever technical points are involved, the Magistrate should be careful to call for, and take the opinion of the Government Inspector or other professional persons.

19. The result of every enquiry made under rule 16 shall be communicated by the Magistrate to the Agent or Manager of the railway and to the Government Inspector.

20. If, in the course of any judicial enquiry into an accident occurring in the course of working a railway, the Magistrate desire the assistance of the Government Inspector or of the Agent or Manager of the railway, or the attendance of any officer of the railway, to explain any matter relating to railway supervision, management or working, he will issue a requisition to such officer to attend the Court, stating at the same time the nature of the assistance required. In summoning railway servants, the Magistrate will take care not to summon so large a number of the employés, specially of one class, on the same day, as to cause inconvenience to the working of the railway. In the cases of very serious accidents it will generally be advisable for the Magistrate to receive either the evidence of, or a report from, both the Government Inspector and the Agent or Manager of the railway in regard to the accident before finally concluding the judicial enquiry.

21. On the conclusion of any such judicial enquiry, the Magistrate shall send a copy of his decision to the Agent or Manager of the railway, and shall, unless in any case he thinks it unnecessary to do so, report the result of the enquiry to the Local Government.



## Railways.]

### *Accidents.*

#### *Duties of the Government Inspector appointed under section 4 (1) of the Indian Railways Act 1890.*

22. Whenever the Government Inspector receives notice, under section 83 of the Indian Railways Act 1890, of the occurrence of an accident which he considers of a sufficiently serious nature to justify such a course, he shall report the occurrence direct to the Government of India by telegraph.

Every such report shall contain the particulars prescribed by rule 1.

23. (1) The Government Inspector shall proceed to the scene of the accident to note the facts, and to enquire generally into the causes which led to the accident, whenever he receives notice as aforesaid of an accident which he considers serious enough to warrant an enquiry or investigation being made under any of these rules.

If the Government Inspector, after reporting to the Government of India the occurrence of an accident in accordance with rule 22, decides that an enquiry or investigation is not necessary, he shall in every such case advise the Government of India accordingly.

(2) Whenever an enquiry under clause (1) of this rule is made by the Government Inspector, he shall, if practicable, be present at the departmental enquiry (if any) made under rule 4.

24. Whenever the Government Inspector has made an enquiry under rule 23, clause (1), he shall submit a report, in writing, through the senior Government Inspector to the Local Government or Administration controlling the railway and to the Government of India, or in the case of a railway which is directly administered by the State, to the Government of India only; and shall forward a copy of such report to the Agent or Manager of the railway concerned, and, if a magisterial enquiry has been made, to the Magistrate who made such enquiry.

25. In the case of all serious accidents, such reports shall be submitted in the form adopted by the Inspecting Officers of the Board of Trade, in

## [Railways.

*Accidents.*

order to admit of their reproduction in a uniform shape in the quarterly accident returns; and shall contain—

- (1) A brief description of the accident;
- (2) A description of the locality of the accident;
- (3) A detailed statement of the evidence taken;
- (4) The conclusion arrived at by the Government Inspector;
- (5) An appendix stating the damage done; and
- (6) (When necessary) a sketch illustrative of the accident.

26. In important cases, where the occurrence of an accident appears to show that a change in the system of working is necessary, the Government Inspector shall inform the Government of India, or the Local Government or Administration controlling the railway, of the steps which have been or are proposed to be taken by the railway administration to prevent a recurrence of similar accidents, and whether, in his opinion, further action in the matter is desirable.

27. The Government Inspector shall, as far as possible, assist any Magistrate making an enquiry under rule 16 or a judicial enquiry, whenever he may be called upon to do so.

*N.B.*—These rules do not limit the exercise of any of the powers conferred on Government Inspector by section 5 of the Indian Railways Act 1890.

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[Registration.

Act.

## THE INDIAN REGISTRATION ACT 1877.

## STATEMENT OF REPEALS AND AMENDMENTS.

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REPEALED IN PART	...	...	...	...	XIII of 1882.
AMENDED	...	...	...	...	XII of 1879, ss. 104 to 107; XIX of 1883, s. 12 (1) and (5); VII of 1886; VII of 1888, s. 65.
REPEALED IN PART AND AMENDED	...	...	...	...	XII of 1891.
SUPPLEMENTED	...	...	...	...	I of 1889, s. 2; IV of 1882 (ss. 4, 5, amended by Act 12 of 1887, s. 2).

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Registration.]

Act.

## CONTENTS.

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PREAMBLE.

### PART I.

#### PRELIMINARY.

##### SECTIONS.

1. Short title.  
Local extent.  
Commencement.
  2. Repeal of enactments.
  3. Interpretation-clause.
- 

### PART II.

#### OF THE REGISTRATION-ESTABLISHMENT.

4. Inspector-General of Registration.  
Branch Inspector-General of Sindh.
5. Districts and Sub-districts.
6. Registrars and Sub-Registrars.
7. Offices of Registrar and Sub-Registrar.
8. Inspectors of Registration-offices.
9. Military cantonments may be declared sub-districts or districts.
10. Absence of Registrar from his district or vacancy in his office.
11. Absence of Registrar on duty in his district.
12. Absence of Sub-Registrar or vacancy in his office.
13. Appointments under section 10, 11 or 12 to be reported to Government.  
Suspension, removal and dismissal of officers.
14. Remuneration and establishments of registering officers.
15. Seals of registering officers.
16. Register-books.  
Forms  
Fire-proof boxes.

## PART III.

## OF REGISTERABLE DOCUMENTS.

## SECTIONS.

17. Documents of which registration is compulsory.  
Exception of composition-deeds ;  
and of transfers of shares and debentures in Land  
Companies ;  
documents merely creating right to obtain other documents.  
Authorities to adopt.
18. Documents of which registration is optional.
19. Documents in language not understood by registering officer.
20. Documents containing interlineations, blanks, erasures or alterations.
21. Description of parcels.  
Documents containing maps or plans.
22. Failure to comply with rules as to description of houses and land.

## PART IV.

## OF THE TIME OF PRESENTATION.

23. Time for presenting documents.
24. Provision where delay in presentation is unavoidable.
25. Documents executed out of British India.
26. Provision where office is closed on last day of period for presentation.
27. Wills may be presented or deposited at any time.

## PART V.

## OF THE PLACE OF REGISTRATION.

28. Place for registering documents relating to land.
29. Place for registering other documents.
30. Registration by Registrar.  
Registration by Registrar at Presidency-town and Lahore.
31. Registration or acceptance for deposit at private residence.

## Registration.]

*Act.*

## PART VI.

## OF PRESENTING DOCUMENTS FOR REGISTRATION.

- 32. Persons to present documents for registration.
  - 33. Powers-of-attorney recognizable for purposes of section 32.  
Proviso as to persons infirm, or in jail, or exempt from appearing in Court.
  - 34. Enquiry before registration by registering officer.
  - 35. Procedure on admission of execution.  
Procedure on denial of execution, &c.
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## PART VII.

## OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

- 36. Procedure where appearance of executant or witness is desired:
  - 37. Officer or Court to issue and cause service of summons.
  - 38. Persons exempt from appearance at registration-office.
  - 39. Law as to summonses, commissions and witnesses.
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## PART VIII.

## OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

- 40. Persons entitled to present wills and authorities to adopt.
  - 41. Registration of wills and authorities to adopt.
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## PART IX.

## OF THE DEPOSIT OF WILLS.

- 42. Deposit of wills.
- 43. Procedure on deposit of wills.
- 44. Withdrawal of sealed cover deposited under section 42.
- 45. Proceedings on death of depositor.  
Re-deposit.
- 46. Saving of the Indian Succession Act, 1865, section 259.

## PART X.

## OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

47. Time from which registered document operates.
  48. Registered documents relating to property when to take effect against oral agreements.
  49. Effect of non-registration of documents required to be registered.
  50. Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.
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## PART XI.

## OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

*(A) As to the Register-books and Indexes.*

51. Register-books to be kept in the several offices.
52. Endorsements on document presented.  
Receipt for document.  
Documents admitted to registration to be copied.
53. Entries to be numbered consecutively.
54. Current indexes and entries therein.
55. Indexes to be made by registering officers.  
Extra particulars in indexes.
56. Copy of entries in indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar.  
Such copy to be filed by Registrar.
57. Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.

*(B) As to the Procedure on admitting to Registration.*

58. Particulars to be endorsed on documents admitted to registration.
59. Such endorsements to be dated and signed by registering officer.
60. Certificate showing that document has been registered and number and page of book in which it has been copied.



## Registration.]

Act.

- 61. Endorsements and certificate to be copied.  
Document to be returned.
- 62. Procedure on presenting document in language unknown  
to registering officer.
- 63. Power to administer oaths.  
Record of substance of statements.

*(C) Special Duties of Sub-Registrar.*

- 64. Procedure on registration of document relating to land  
situate in several sub-districts.
- 65. Procedure where document relates to land situate in  
several districts.

*(D) Special Duties of Registrar.*

- 66. Procedure on registering documents relating to land.
- 67. Procedure on registration under section 30, clause (b).

*(E) Of the controlling Powers of Registrars and Inspectors  
General.*

- 68. Registrar to superintend and control Sub-Registrars.
- 69. Inspector-General to superintend registration-offices.  
His power to make rules.
- 70. His power to remit fines.

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 PART XII.

## OF REFUSAL TO REGISTER.

- 71. Reasons for refusal to register to be recorded.
- 72. Power to reverse or alter orders of Sub-Registrar re-  
fusing registration on ground other than denial of  
execution.
- 73. Application where Sub-Registrar refuses to register on  
ground of denial of execution.
- 74. Procedure of Registrar on such application.
- 75. Order to register and procedure thereon.
- 76. Refusal by Registrar.
- 77. Suit in case of refusal.

## PART XIII.

## OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

- 78. Fees to be fixed by Local Government.  
Alteration of fees.
- 79. Publication of fees.
- 80. Fees payable on presentation.

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 PART XIV.

## OF PENALTIES.

- 81. Penalty for incorrectly endorsing, copying, translating  
or registering documents with intent to injure.
- 82. Penalty for certain other offences.  
Making false statements before registering officer.  
Delivering false copy or translation.  
False personation.  
Abetment of offences under this Act.
- 83. Registering officer may commence prosecutions.
- 84. Registering officers to be deemed public servants.

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 PART XV.

## MISCELLANEOUS.

- 85. Destruction of unclaimed documents.
- 86. Registering officer not liable for thing *bona fide* done or  
refused in his official capacity.
- 87. Nothing so done invalidated by defect in appointment  
or procedure.
- 88. Registration of documents executed by Government offi-  
cers or certain public functionaries.
- 89. Orders under Land Improvement Loans Act, 1883.

*Exemptions from Act.*

- 90. Exemption of certain documents executed by or in favour  
of Government.
- 91. Inspection and copies of such documents.
- 92. Burmese registration-rules confirmed.

## Registration.]

Act.

ACT No. III OF 1877 [<sup>a</sup>].

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the Governor-General's assent on the 14th February 1877.)*

An Act for the Registration of Documents.

[As modified up to the 1st December, 1892.]

Preamble.

Whereas it is expedient to amend the law relating to the registration of documents; It is hereby enacted as follows:—

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be called the Indian Registration Act, 1877:

Local extent.

It extends to the whole of British India, [<sup>b</sup>] except such districts or tracts of country as the Local Government may from time to time, with the previous sanction of the Governor-General in Council, exclude [<sup>c</sup>] from its operation;Commence-  
ment.

And it shall come into force on the first day of April 1877.

[a] Sections 54 (paragraphs 2 and 3) 59, 107 and 123 of the Transfer of Property Act (IV of 1882) are to be read as supplemental to Act III of 1877—see Act IV of 1882, s. 4, as amended by Act III of 1885, s. 3.

[b] Act III of 1877 has been declared in force in the Sonthal Pergunnahs by Regulation III of 1872, s. 3, as amended by Regulation III of 1886 [Bengal Code, Vol. I, Ed. 1889, p. 597], and in British Baluchistan by Regulation I of 1890, s. 3 [Baluchistan Code, Ed. 1890, p. 69].

It has been declared, under the Scheduled Districts Act, 1874, to be in force in the following Scheduled Districts, namely, the Districts of Hazaribagh, Lohardugga and Manbhoom, and Pergunnah Dhalbhoom and the Kolhan in the District of Singhbhoom [see *Gazette of India* 1881, Pt. I, p. 504].

It has been extended, under the same Act, to that part of the Khasi and Jaintia Hills District which is comprised within the limits of the Civil Station and Cantonment of Shillong [see *Gazette of India*, 1878, Pt. I, p. 662], and to the Mahal of Angul [see *Gazette of India*, 1887, Pt. I, p. 97].

It has been declared, under the same Act, to be not actually in force in the other parts of the Khasi and Jaintia Hills District, in the Garo Hills or in the Naga Hills District [see *Gazette of India*, 1884, Pt. I, p. 662].

It has ceased to be in force in the Dibrugarh Frontier Tract and the Mikir Hills Tract [see *Assam Gazette*, 1884, Pt. II, p. 212 and 705 respectively].

In Upper Burma there is a special law as to registration—see Regulation I of 1887, in Burma Code, Ed. 1889, p. 413.

[c] In exercise of this power the following districts have been excluded from the operation of the Act, namely:—

the Scheduled Districts of the Madras Presidency [see *Fort St. George Gazette* 1881, Pt. I, p. 516], and

the Arakan Hill Tracts District [see *Burma Gazette*, 1886, Pt. I, p. 247].

## [Registration.

Act.

[a] The Local Government may, with the previous sanction of the Governor-General in Council, cancel any order excluding districts or tracts of country from the operation of this Act.

2. On and from that day Act No. VIII of 1871 shall be repealed.

Repeal of  
enactments.

But all appointments, notifications, rules and orders made, and all districts and sub-districts formed, and all offices established, and all tables of fees prepared, under such Act or any of the enactments thereby repealed shall be deemed to have been respectively made, formed, established and prepared under this Act, except in so far as such rules and orders may be inconsistent herewith.

References made in Acts passed before the first day of April 1877, to the said Act, or to any enactment thereby repealed, shall be read as if made to the corresponding section of this Act.

3. In this Act, unless there be something repugnant in the subject or context—

Interpreta-  
tion-clause.

“Lease” includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease :

“Signature” and “signed” include and apply to the affixing of a mark :

“Immoveable property” includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass :

“Moveable property” includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property :

“Book” includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book :

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[a] This paragraph was added by Act XII of 1891.

## Registration.]

*Act.*

“Endorsement” and “endorsed” include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

“Minor” means a person who, according to the personal law to which he is subject, has not attained majority:

“Representative” includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot:

“Addition” means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native, his caste (if any) and his father’s name, or where he is usually described as the son of his mother, then his mother’s name:

“District Court” includes the High Court in its ordinary original civil jurisdiction; and

“District” and “sub-district” respectively mean a district and sub-district formed under this Act.

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## PART II.

### OF THE REGISTRATION-ESTABLISHMENT.

Inspector-  
General of  
Registration.

4. The Local Government shall appoint an officer to be the Inspector-General of Registration for the territories subject to such Government,

or may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector-General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government from time to time appoints in this behalf.

Branch In-  
spector-Gen-  
eral of Sindh.

The Governor of Bombay in Council may also, with the previous consent of the Governor-General in Council, appoint an officer to be Branch Inspector-General of Sindh, who shall have all the powers of an Inspector-General under this Act other than the power to frame rules hereinafter conferred.

Any Inspector-General or the Branch Inspector-General of Sindh may hold simultaneously any other office under Government.

## [Registration.

Act.

5. For the purposes of this Act, the Local Government shall form <sup>Districts and sub-districts.</sup> districts and sub-districts, and shall prescribe, and may from time to time alter, the limits of such districts and sub-districts.

The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

6. The Local Government may appoint such persons, whether public <sup>Registrars and Sub-Registrars.</sup> officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

7. The Local Government shall establish in every district an office to <sup>Offices of Registrar and Sub-Registrar.</sup> be styled the office of the Registrar, and in every sub-district an office or offices to be styled the office of the Sub-Registrar or the offices of the Joint Sub-Registrars, and may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar,

and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate :

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

8. The Local Government may also appoint officers to be called inspectors of Registration-offices, and may from time to time prescribe the duties of <sup>Inspectors of Registration-offices.</sup> such officers. Every such Inspector shall be subordinate to the Inspector-General.

9. Every military cantonment where there is a Cantonment Magistrate may (if the Local Government so directs) be, for the purposes of this Act, a <sup>Military cantonments may be declared sub-districts or districts.</sup> sub-district or a district, and such Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be. [a ]

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[ a ] Portion repealed by Act XIII of 1889 is omitted.

## Registration.]

*Act.*

Absence of Registrar from his district or vacancy in his office.

10. Whenever any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant,

any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate,

shall be the Registrar during such absence or until the Local Government fills up the vacancy.

Whenever the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant,

any person whom the Inspector-General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Registrar on duty in his district.

11. Whenever any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar, except those mentioned in sections 68 and 72.

Absence of Sub-Registrar or vacancy in his office.

12. Whenever any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Appointments under section 10, 11 or 12 to be reported to Government.

13. All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector-General. Such report shall be either special or general, as the Local Government directs.

Suspension, removal and dismissal of officers.

The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Remuneration and establishments of registering officers.

14. Subject to the approval of the Governor-General in Council, the Local Government may assign such salaries as such Government from time to time deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

The Local Government may allow proper establishments for the several offices under this Act.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—"The seal of the Registrar (or of the Sub-Registrar) of ."  
Seals of registering officers.

16. The Local Government shall provide for the office for every registering officer the books necessary for the purposes of this Act.  
Register-books.

The books so provided shall contain the forms from time to time prescribed by the Inspector-General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.  
fire-proof boxes.

### PART III.

#### OF REGISTERABLE DOCUMENTS

17. The documents next hereinafter mentioned shall be registered, if the property to which they relate is situate in a district in which, and in which they have been executed on or after the date on which, Act No. XVI of 1864 [a], or Act No. XX of 1866 [b], or Act No. VIII of 1871 [c], or this Act, came or comes into force (that is to say),—

- (a) Instruments of gift of immovable property;
- (b) Other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future any right, interest, or benefit, whether vested or contingent, of the value of or exceeding one hundred rupees and upwards, to or in immovable property.

[a] Act XVI of 1864 was repealed by Act VIII of 1871.

[b] Act XX of 1866 was repealed by Act VIII of 1871.

[c] Act VIII of 1871 was repealed by Act VIII of 1892.



## Registration].

Act.

- (c) Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and
- (d) Leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent :

Provided that the Local Government may, by order published in the official Gazette, exempt from the operation of the former part of this section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

Exception of

Nothing in clauses (b) and (c) of this section applies to—

composition-  
deeds;  
and of trans-  
fers of shares  
and debentures in Land  
Companies;

- (e) any composition-deed;
- (f) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assest of such Company consist in whole or in part of immoveable property, or
- [a] (ff) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit or the holders of such debentures, or
- (g) any endorsement upon or transfer of any debenture issued by any such Company;
- (h) any document not itself creating, declaring, assigning, limiting, or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right, to obtain another document which will, when executed, create, declare, assign limit or extinguish any such right, title or interest;

documents  
merely creat-  
ing right to  
obtain other  
documents.

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[a] Cl. (ff) was inserted by Act VII of 1886, s. 2, printed, General Acts, 1885-88, Ed. 1889, p. 62.

## [Registration.]

Act.

- (i) decrees and orders of Courts and awards ;
- (j) grants of immoveable property by Government ;
- (k) instruments of partition made by Revenue-officers ;
- [a] (l) orders granting loans and instruments of collateral security granted under the Land Improvement Loans Act, 1883 ;
- [b] (m) orders granting loans under the Agriculturists' Loans Act, 1884 [c], and instruments for securing the repayment of loans made under that Act ;
- [d] (n) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage ;
- [e] (o) a certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue-officer.

Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered [f]. <sup>Authorities to adopt.</sup>

**18.** Any of the documents next hereinafter mentioned may be registered under this Act (that is to say),— Documents of which registration is optional.

- (a) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property :
- (b) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest :

[a] Cl. (l) is printed as amended by Act XIX of 1883, ss. 2 and 12, (printed, General Acts, 1882-84, Pt. II., Ed. 1885, p. 347).

[b] Cl. (m) was added by Act VII of 1886, s. 3 (1), printed, General Acts, 1885-88, Ed. 1889, p. 62.

[c] Printed, General Acts, 1882-84, Pt. II., Ed. 1885, p. 433.

[d] Cl. (n) was added by Act VII of 1886, s. 4, printed, General Acts, 1885-88, Ed. 1889, p. 62.

[e] Cl. (o) was added by Act VII of 1888, s. 65 (1), and is to be construed as if it had been inserted by Act XII of 1879—see Act VII of 1888, s. 65 (3), in General Acts, 1885-88, Ed. 1889, p. 239.

[f] Also memoranda appointing new trustees under the Religious Societies Act—see Act I of 1886, s. 3, in General Acts, 1877-81, Ed. 1884, p. 365.

## Registration.]

*Act.*

- (c) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17 :
- (d) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property :
- (e) wills :
- (f) all other documents not required by section 17 to be registered.

Documents  
in language  
not under-  
stood by  
registering  
officer.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

Documents  
containing  
interlinea-  
tions, blanks,  
erasures or  
alterations.

20. The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration. If he register such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

Description  
of parcels.

21. (a) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

(b) Houses in towns shall be described as situate on the north or other side of the street or road (mentioning it) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered. Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

Documents  
containing  
maps or  
plans.

(c) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it be accompanied by a true copy of the map or plan; or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

## [Registration.

*Act.*

22. Failure to comply with the provisions contained in section 21, clause (b), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify such property.

Failure to comply with rules as to description of houses and land.

## PART IV.

## OF THE TIME OF PRESENTATION.

23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution,

Time for presenting documents.

or, in the case of a copy of a decree or order, within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final :

Provided that, where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution.

24. If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee such document shall be accepted for registration.

Provision where delay in presentation is unavoidable.

Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

25. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied—

Documents executed out of British India.

(a) that the instrument was so executed, and

(b) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

## Registration.]

*Act.*

Provision where office] is closed on last day of period for presentation.] 26. Whenever a registration-office is closed on the last day of any period provided in this Act for the presentation of any document, such last days shall, for the purposes of this Act, be deemed to be the day on which the office re-opens.

Wills may be presented or deposited at any time. 27. A will may at any time be presented for registration or deposited in manner hereinafter provided.

## PART V.

### OF THE PLACE OF REGISTRATION.

Place for registering documents relating to land. 28. Save as in this Part otherwise provided, every document mentioned in section 17, clauses (a), (b), (c) and (d), and section 18, clauses (a), (b) and (c), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate.

Place for registering other documents. 29. Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

Registration by Registrar. 30. (a) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrar at Presidency-town and Lahore. (b) The Registrar of a district including a Presidency-town and the Registrar of the Lahore district may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

## [Registration.

*Act.*

**31.** In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit. Registration or acceptance for deposit at private residence.

But such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

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PART VI.

## OF PRESENTING DOCUMENTS FOR REGISTRATION.

**32.** Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office, Persons to present documents for registration.

by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order,

or by the representative or assign of such person, or by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

**33.** For the purposes of section 32, the powers-of-attorney next hereinafter mentioned shall alone be recognized (that is to say)— Powers-of-attorney recognizable for purposes of section 32.

(a) If the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides :

(b) If the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate :

(c) If the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India :

## Registration.]

*Act.*

Proviso as to persons in-firm, or in jail, or exempt from appearing in Court.

Provided that the following persons shall not be required to attend at any registration office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section:—

Persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend ;

Persons who are in jail under civil or criminal process ; and

Persons exempt by law from personal appearance in Court.

In every such case the Registrar or Sub-Registrar or Magistrate (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Any power-of-attorney mentioned in this section may be proved by the production of it without further proof, when it purports on the face of it to have been executed before and authenticated by the person or Court herein-before mentioned in that behalf.

Enquiry before registration by registering officer.

**34.** Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid appear before the registering officer within the time allowed for presentation under sections 23, 24, 25, and 26.

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee, in addition to the fine, if any, payable under section 24, the document may be registered.

Such appearances may be simultaneous or at different times.

The registering officer shall thereupon—

(a) Enquire whether or not such document was executed by the persons by whom it purports to have been executed,

## [Registration.

Act.

- (b) Satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document, and
- (c) In the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

Any application for a direction under the proviso in this section may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

Nothing in this section applies to copies of decrees or orders.

**35.** If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document :

*Procedure on admission of execution.*

or, in the case of any person appearing by a representative, assign or agent, if such representative, assign or agent admits the execution ;

or, if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

If any of the persons by whom the document purports to be executed deny its execution, or

*Procedure on denial of execution, &c.*

if any such person appears [a] to the registering officer [a] to be a minor an idiot, or a lunatic, or

if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document [b] as to the person so denying, appearing or dead [b] : Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII of this Act.

[a-a,b-b] These words were inserted by Act XII of 1870, s. 101, printed, General Acts, 1877-81, Ed. 1884, p. 338.



## Registration.]

Act.

## PART VII.

## OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

Procedure where appearance of executant or witness is desired.

36. If any person presenting any document for registration, or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government from time to time directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Officer or Court to issue and cause service of summons.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required.

Persons exempt from appearance at registration-office.

38. A person who by reason of bodily infirmity is unable without risk, or serious inconvenience to appear at the registration-office,

a person in jail under civil or criminal process,

and persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

In every such case, the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts shall save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued, and any person summoned to appear under the provisions of this Act.

## [Registration.

Act.

## PART VIII.

## OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

40. The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration, Persons entitled to present wills and authorities to adopt.

and the donor, or after his death the donee, of any authority to adopt. or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

41. A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document. Registration of wills and authorities to adopt.

A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

- (a) That the will or authority was executed by the testator or donor, as the case may be ;
- (b) That the testator or donor is dead ; and
- (c) That the person presenting the will or authority is, under section 40, entitled to present the same.

## PART IX.

## OF THE DEPOSIT OF WILLS.

42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any), and with a statement of the nature of the document. Deposit of wills.

43. On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover. Procedure on deposit of wills.

## Registration.]

Act.

The Registrar shall then place and retain the sealed cover in his fire-proof box.

Withdrawal  
of sealed  
cover de-  
posited under  
section 42.

44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

Proceedings  
on death of  
depositor.

45. If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and, if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

Re-deposit.

When such copy has been made, the Registrar shall re-deposit the original will.

Saving of  
the Indian  
Succession  
Act, 1865,  
section 259.

46. Nothing hereinbefore contained shall affect the provisions of the Indian Succession Act, [a] section 259, or the power of any Court by order<sup>X of 1865.</sup> to compel the production of any will. But, whenever any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3, and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

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## PART X.

### OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

Time from  
which regis-  
tered docu-  
ment oper-  
ates.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

Registered  
documents  
relating to  
property

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take

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[a] For Act X of 1865 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

## [Registration.

Act.

effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

when to take effect against oral agreements.

49. No document required by section 17 to be registered—

shall affect any immoveable property comprised therein,

Effect of non-registration of documents required to be registered.

or confer any power to adopt,

or be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered in accordance with the provisions of this Act.

50. Every document of the kinds mentioned in clauses (a), (b), (c) and (d) of section 17, and clauses (a) and (b) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

Registered documents relating to land, of which registration is optional, to take effect against unregistered documents.

[a] Nothing in the former part of this section applies to leases exempted under the proviso in section 17, or to the documents mentioned in clauses (e), (f), (ff), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of the same section.

*Explanation.*—In cases where Act No. XVI of 1864 [b] or Act No. XX of 1866 [c] was in force in the place and at the time in and at which such unregistered document was executed, “unregistered” means not registered according to such Act, and, where the document is executed after the first day of July 1871, not registered under Act No. VIII of 1871 [d] or this Act.

[a] This paragraph is printed as amended by Act VII of 1886, s. 5 (printed, General Acts, 1885-88. Ed. 1889, p. 63), and Act VII of 1888, s. 65 (2) (*ib.*, p. 239). The paragraph is to be construed as if the letter (o) had been inserted by Act XII of 1879—see Act VII of 1888, s. 65 (3) (*ib.*, p. 239).

[b] Act XVI of 1864 was repealed by Act XX of 1866.

[c] Act XX of 1866 was repealed by Act VIII of 1871.

[d] Act VIII of 1871 was repealed by s. 2 of this Act.

## Registration.]

Act.

## PART XI.

## OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

[a] *As to the Register-books and Indexes.*

Register-books to be kept in the several offices.

51. The following books shall be kept in the several offices hereinafter named (that is to say)—

In all registration-offices—

Book 1, "Register of non-testamentary documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register;"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register."

In the offices of Registrars—

Book 5, "Register of deposits of wills."

In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 [a] which relate to immoveable property and are not wills.

In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immoveable property.

Nothing in the former part of this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

Endorsements on document presented. Receipt for document.

Documents admitted to registration to be copied.

52. The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it: a receipt for such document shall be given by the registering officer to the person presenting the same; and, subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

And all such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector-General.

[a] The figures 89 were substituted for the original figures by Act XII of 1870, s. 105, printed, General Acts, 1877-81, Ed. 1884, p. 338.

## [Registration.

Act.

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Entries to be numbered consecutively.

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates. Current indexes and entries therein.

55. Four such indexes shall be made in all registration-offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV. Indexes to be made by registering officers.

Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector-General from time to time directs in that behalf.

Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

Indexes Nos. I, II, III and IV shall contain such other particulars, and shall be prepared in such form, as the Inspector-General from time to time directs. Extra particulars in Indexes.

56. Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector-General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III. Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar.

## Registration.]

*Act.*

Such copy to  
be filed by  
Registrar.

Every Registrar receiving such copy shall file it in his office.

Registering  
officers to  
allow inspec-  
tion of cer-  
tain Books  
and Indexes,  
and to give  
certified  
copies of  
entries.

57. Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative. The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

*(B) As to the procedure on admitting to Registration.*

Particulars to  
be endorsed  
on documents  
admitted to  
registration.

58. On every document admitted to registration, other than a copy of a decree or order, [a] or a copy sent to a registering officer under section 89,[a] there shall be endorsed from time to time the following particulars (that is to say):—

- (a) The signature and addition of every person admitting the execution of the document; and, if such execution has been admitted by the representative, assign, or agent of any person the signature and addition of such representative, assign or agent;
- (b) The signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

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[a-a] These words were substituted for the original words and figures by Act VII of 1886 s. 3 (2), printed, General Acts, 1885-88, Ed. 1889, p. 62.

## [Registration.]

*Act.*

- (c) Any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration, in whole or in part, made in his presence in reference to such execution.

If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Such endorsements to be dated and signed by registering officer.

60. After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

Certificate showing that document has been registered, and number and page of book in which it has been copied.

Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

61. The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

Endorsements and certificate to be copied.

The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

Document to be returned.

62. When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration-office.

Procedure on presenting document in language unknown to registering officer.



## Registration.]

*Act.*

The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

Power to administer oaths.

**63.** Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Record of substance of statements.

He may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

### (C) *Special Duties of Sub-Registrar.*

Procedure on registration of document relating to land situate in several sub-districts.

**64.** Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1.

Procedure where document relates to land situate in several districts.

**65.** Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate.

The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate; and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

## [Registration.

Act.

*(D) Special Duties of Registrar.*

66. On registering any non-testamentary document relating to immovable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate. Procedure on registering documents relating to land.

He shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under section 30, clause (b), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in the first clause of section 66. Procedure on registration under section 30, clause (b).

*(E) Of the controlling Powers of Registrars and Inspectors-General.*

68. Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate. Registrar to superintend and control Sub-Registrars.

Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him, or in respect of the rectification of any error regarding the book or the office in which any document shall have been registered.

**Registration.]***Act.*

69. The Inspector-General shall exercise a general superintendence over all the registration-offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept ;

declaring what languages shall be deemed to be commonly used in each district ;

declaring what territorial divisions shall be recognized under section 21 ;

regulating the amount of fines imposed under sections 24 and 34, respectively ;

regulating the exercise of the discretion reposed in the registering officer by section 63 :

regulating the form in which registering officers are to make memoranda of documents ;

regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51 ;

declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively ;

declaring the holidays that shall be observed in the registration-offices ;

and, generally, regulating the proceedings of the Registrars and Sub-Registrars.

The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette, and shall then have the same force as if they were inserted in this Act.

His power to  
remit fines.

70. The Inspector-General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 24 or section 34, and the amount of the proper registration-fee.

## PART XII.

## OF REFUSAL TO REGISTER.

**71.** Every Sub-Registrar refusing to register a document, Reasons for refusal to register to be recorded.  
except on the ground that the property to which it relates is not situate within his sub-district,

shall make an order of refusal and record his reasons for such order in his Book No. 2, and endorse the words "registration refused" on the document; and, on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

**72.** Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order: Power to reverse or alter orders of Sub-Registrar refusing registration on ground other than denial of execution.

and, if the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

**73.** When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, Application where Sub-Registrar refuses to register on ground of denial of execution.

any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered.

## Registration.]

Act.

Such application shall be in writing, and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

Procedure of  
Registrar on  
such applica-  
tion.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, he shall, as soon as conveniently may be, enquire—

(a) Whether the document has been executed ;

(b) Whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

Order to  
register and  
procedure  
thereon.

75. If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered.

And, if the document be duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. [a]

XIV of  
1882.

Refusal by  
Registrar.

76. Every Registrar refusing—

(a) To register a document except on the ground that the property to which it relates is not situate within his district or that

[a] This reference to Act VIII of 1859 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July 1888, published by the Legislative Department).

## [Registration.

Act.

the document ought to be registered in the office of a Sub-Registrar, or

(b) To direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

No appeal lies from any order under this section or section 72.

77. Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree; and the provisions contained in the second and third paragraphs of section 75 shall, *mutatis mutandis*, apply to all documents so presented, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

Suit in case  
of refusal.

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### PART XIII.

#### OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

78. Subject to the approval of the Governor-General in Council, the Local Government shall prepare a table of fees payable—

Fees to be  
fixed by  
Local  
Government.

for the registration of documents:

for searching the registers:

for making or granting copies of reasons, entries or documents, before,  
on or after registration:

and of extra or additional fees payable—

for every registration under section 30:

for the issue of commissions:

## Registration.]

Act.

for filing translations :

for attending at private residences :

for the safe custody and return of documents :

and for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

Alteration of fees.

The Local Government may from time to time, subject to the like approval, alter such table.

Publication of fees.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration-office.

Fees payable on presentation.

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents.

## PART XIV.

## OF PENALTIES.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who, being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, [a] to any person, shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

XLV of 1860.

Penalty for certain other offences.

82. Whoever commits any of the following offences shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both :

Making false statements before registering officer.

(a) Intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act ;

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August 1890, published by the Legislative Department.

## [Registration.

Act.

- (b) Intentionally delivers to a registering officer, in any proceeding <sup>Delivering false copy or translation.</sup> under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan ;
- (c) Falsely personates another, and in such assumed character pre- <sup>False personation.</sup> sents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act ;
- (d) Abets, within the meaning of the Indian Penal Code, [a] any- <sup>Abetment of offences under this Act.</sup> thing made punishable by this Act.

XLV of  
1860.

83. A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector-General, the Branch Inspector-General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed. <sup>Registering officer may commence prosecutions.</sup>

Offences punishable under this Act shall be triable by any Court or officer exercising powers not less than those of a [b] Magistrate of the second [b] class :

Provided that, in imposing penalties under this Act, no such Court or officer shall exceed the limits of jurisdiction prescribed by the law for the time being in force as to such Court or officer.

All fines imposed under this Act may be recovered [c] in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts [c].

84. Every registering officer appointed under this Act shall be deemed <sup>Registering officers to be deemed public servants.</sup> a public servant within the meaning of the Indian Penal Code [a].

Every person shall be legally bound to furnish information to such registering officer when required by him to do so. And, in section 228 of the same Code, the words "judicial proceeding" shall include any proceeding under this Act [d].

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[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August 1890, published by the Legislative Department.

[b-b] These words were substituted for the original words by Act XII of 1879, s. 106, printed, General Acts, 1877-81, Ed. 1884, p. 338.

[c-c] These words were substituted for the original words by Act XII of 1891.

[d] Portion repealed by Act XII of 1891 is omitted. When the Local Government so directs, a Registrar or Sub-Registrar is to be deemed to be a Civil Court within the meaning of the Code of Criminal Procedure, 1882, sections 480 and 482—see *ib.*, s. 483.



## Registration.]

Act.

## PART XV.

## MISCELLANEOUS.

Destruction  
of unclaimed  
documents.

85. Documents (other than wills) remaining unclaimed in any registration-office for a period exceeding two years may be destroyed.

Registering  
officer not  
liable for  
thing *bona  
fide* done or  
refused in his  
official capa-  
city.

86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Nothing so  
done invali-  
dated by  
defect in ap-  
pointment or  
procedure.

87. Nothing done in good faith pursuant to this Act, or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Registration  
of documents  
executed by  
Government  
officers or  
certain pub-  
lic func-  
tionaries.

88. Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator-General of Bengal, Madras or Bombay, or for any Official Trustee, or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration-office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

But, when any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he think fit, refer to any Secretary to Government or to such officer of Government, Administrator-General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

Orders under  
Land Im-  
provement  
Loans Act,  
1883.

89. [a] Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order [a] to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file [b] the copy [b] in his Book No. 1.

XIX of  
1883.

[a-a] This clause is printed as amended by Act XIX of 1883, ss. 2 and 12, printed, General Acts, 1882-84, Pt. II, Ed. 1885, p. 347.

[b-b] These words were substituted for the original words by Act XII of 1879, s. 107, printed, General Acts, 1877-81, Ed. 1884, p. 338.

## [Registration.

## Act.

XIV of 1882. [a] Every Court granting a certificate under section 316 of the Code of Civil Procedure [b] shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immoveable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1.

XII of 1881. [c] Every officer granting a loan under the Agriculturists' Loans Act 1884, [d] shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1.

[e] Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

*Exemptions from Act.*

90. Nothing contained in this Act or in Act No. VIII of 1871 [f] or in any Act thereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps :—

Exemption of certain documents executed by or in favour of Government.

- (a) Documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement;
- (b) Documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making

[a] This paragraph was added by Act XII of 1879, s. 107, printed, General Acts, 1877-81, Ed. 1884, p. 338.

[b] This reference to s. 316 of Act X of 1877 should now be read as applying to s. 316 of Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July 1888, published by the Legislative Department.)

[c] This paragraph was added by Act VII of 1886, s. (3) (3), printed, General Acts, 1885-88, Ed. 1889, p. 62.

[d] Printed, General Acts, 1882-84, Pt. II, Ed. 1885, p. 433.

[e] This paragraph was inserted by Act XII of 1891.

[f] Act VIII of 1871 was repealed by s. 2 of this Act.

## Registration ]

Act.

or revising the survey of any land, and which form part of the record of such survey ;

(c) Documents which, under any law for the time being in force [a] are filed [a] periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records ;

(d) Sanads, inam title-deeds and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land ;

[b] (c) Notices given under section 74 or section 76 of the Bombay <sup>Bom.</sup> Land-revenue Code, 1879, [c] of relinquishment of occupancy <sup>of 187</sup> by occupants, or of alienated land by holders of such land.

But all such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

Inspection  
and copies of  
such docu-  
ments.

91. Subject to such rules and the previous payment of such fees as the Local Government from time to time prescribes in this behalf, all documents and [d] maps mentioned in section 90, clauses (a), (b), (c), and (e), [d] and all registers of the documents mentioned in clause (d), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Burmese  
registration-  
rules con-  
firmed.

92. All rules relating to registration heretofore enforced in British Burma [e] shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

[a-a] These words were substituted for the original words by Act XII of 1891.

[b] Cl. (c) was inserted by Act VII of 1886, s. 6 (1), in General Acts, 1885-88, Ed. 1889, p. 63. The Act of 1877 is to be construed as if clause (e) had been inserted in section 90 at the time the Act came into force—see Act VII of 1886, s. 6 (3).

[c] Printed, Bombay Code, Ed. 1880, p. 620.

[d-d] These letters, etc., were substituted for the original word and letter by Act VII of 1886, s. 6 (2), in General Acts, 1885-88, Ed. 1889, p. 63. The Act of 1877 is to be construed as if this amendment had been made at the time the Act came into force—see Act VII of 1886, s. 6 (3).

[e] This reference to British Burma should now be read as referring to Lower Burma—see Act XX of 1886, s. 4, in Burma Code, Ed. 1889, p. 364.

## NOTIFICATIONS.

[a] No. 1115.—*Dated the 6th October 1894.*

Under the authority vested in him by section 4 of the Indian Registration Act III of 1877, as modified up to the 1st December 1892, the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Commissioner of Ajmere-Merwara to be Inspector-General of Registration.

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No. 541.—*Dated Mount Abu, 9th August 1877.*

Under Section 9 of Act III of 1877 (Registration of documents) the officiating Chief Commissioner is pleased to appoint the Cantonment Magistrate at Deoli to be Sub-Registrar for the purposes of the above Act within Cantonment limits.

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[b] No. 393.—*Mount Abu, 10th May 1873.*

Under the authority conferred by the proviso to section 17 of the Indian Registration Act [c] (VIII of 1871), the Officiating Chief Commissioner of the Ajmere and Merwara District, is pleased to exempt from the operation of clause IV of that section that is from compulsory Registration, leases executed in the District of Ajmere and Merwara, the terms granted by which do not exceed five years, and the annual rents reserved by which do not exceed fifty rupees.

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No. 542.—*Dated Mount Abu, 9th August 1877.*

Under Section 36 of Act III of 1877 (Registration of Documents) the Officiating Chief Commissioner is pleased to direct that Summons for appearance at a Registration Office may be issued, upon application from registering officer, by Subordinate Judges and Munsifs.

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[a] See *Gazette of India*, part II for 1894 p.

[b] Printed in the *Rajputana Official Gazette*, dated 26th May, 1873.

[c] This reference should be read as section 17 of Act III of 1877.

## Registration.]

*Rules under Sec. 69 of Act III of 1877.*

### RULES BY THE INSPECTOR-GENERAL OF REGISTRATION FOR AJMERE AND MERWARA, UNDER SECTION 69 OF ACT III OF 1877.

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*Sanctioned by the Chief Commissioner of Ajmere, in his No. 535,  
dated 9th August 1877 are published for general information.*

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#### *Regarding safe custody of records and their destruction.*

The office of every Registrar and Sub-Registrar will be supplied with a strong tin-lined box with a Chubb's lock. In this box the Register Books and all papers and instruments connected therewith shall be kept. No money or valuables of any kind shall be deposited in it. The box shall be placed in the room where the Registering Officer transacts his public business, and shall be opened and closed by that Officer himself, or in his presence. When locked, the key shall be retained in his own possession. He shall be responsible for the preservation and safe custody of all registration records, including those of previous years, which have accumulated in his office, or been transferred to it.

2. Every Registrar has been supplied with a fire-proof safe. In this safe shall be kept sealed covers of Wills, and authorities to adopt, which may have been deposited under the provisions of Act XX of 1866, and authorities to adopt, executed before the 1st January 1872, which may be deposited under Section 2 of Act VIII of 1871; also sealed covers of Wills, which may be presented for deposit under Section 43, and Wills which may be opened under Section 45, of Act VIII of 1871 or Act III of 1877. It shall not be used for any other purpose whatever. The key of the safe shall remain in the personal custody of the Registrar, who alone shall open or close the safe. The safe shall be kept where it cannot be affected by damp, and it shall be opened once a week at least, with the view of ascertaining that its contents (if any) are safe, and that the lock is in order.

3. Every Sub-Registrar shall, at the close of each official year, report to his Registrar the different kinds of records, and the periods to which they belong, which he considers may be destroyed, and the Registrar after examining all the reports of his district, and recording his opinion thereon, shall add a report of the same description for his own office, and forward the whole

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

for the orders of the Inspector-General, whom they should reach by the 1st of May. No records shall be destroyed except by the direction of the Inspector-General.

4. Inspections allowed under Section 57 of Act III of 1877, shall be made in the presence of the Registering Officer, and without writing materials.

5. If the production of a Register Book, or of any document in the custody of a Registering Officer be required by any Court, it shall be forwarded under charge of a member of the registration establishment, and application shall be made to the Court for payment of his expenses.

6. *The languages which shall be deemed to be commonly used.*—With reference to Section 19 of the Act it is declared that the languages held to be commonly in use in the District of Ajmere and Merwara, are English, Urdu and Hindi, but documents presented for registration may be written in any language commonly in use in a district, in case, however, of the language being other than Urdu and Hindi, they must be accompanied by a true translation into Urdu and Hindi, and also by a true copy. Documents written in English, when presented to a European Officer need not be accompanied by an Urdu and Hindi translation.

7. *Territorial Divisions.*—The territorial divisions to be recognized under Section 21 are :—

- 1.—Sub-District of Ajmere ; comprising the Pargannahs of Ajmere, Pohkar, Pisangan, Ramsar and Rajgarh.
- 2.—Sub-District of Beawar ; Beawar, Kharwa and Masuda.
- 3.—Ditto ditto of Kekri ; Kekri, Bhinai, Sawar and Baghera.
- 4.—Ditto ditto of Todgarh ; Todgarh.
- 5.—Ditto ditto of Nusseerabad ; The Cantonment and surrounding villages at the radius of 4 miles, *viz.*, 23 villages.
- 6.—Ditto ditto of Deoli ; The Cantonment of Deoli.

The names of these Divisions shall be entered in all documents relating to houses (other than those situate in towns) and lands, in addition to the name of the village and the adjoining boundaries of the property.

## Registration.]

*Rules under Sec. 69 of Act III of 1877.*

8. *Fines.*—Fines under Section 24 shall be levied according to the following scale, when owing to urgent necessity or unavoidable accident, documents are presented for registration after the lapse of the four months allowed by Section 23. No registration fees shall be levied in addition to the fines.

Where the delay has not been more than one month.	{	An amount equal to twice the proper registration fee.
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Where the delay has been more than one month, but not exceeding two months.	{	Three times the amount of the proper registration fee.
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More than two months, but not exceeding three months.	{	Six times the amount of the proper registration fee.
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More than three months, but not exceeding four months.	{	Ten times the amount of the proper registration fee.
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Additional fines levied under the proviso in section 34, shall be according to the same scale.

9. Applications to the Inspector-General for remission in whole, or in part, of any fine levied under this rule shall be submitted through the Registrar, who shall endorse his own opinion thereon, and forward them for orders. No such application shall be received or forwarded where the document has not already been registered and the fine or fines paid.

10. *Administration of oaths.*—The discretion vested in Registering Officer, by Section 63, shall be used with reserve, and oaths administered only in exceptional cases.

11. An oath administered to any person under Section 63 includes an affirmation under Section 6 of Act X of 1873.

12. Statements made on oath under Section 63 shall not be recorded on the documents, but on separate sheets of paper. They will form a record, and shall be filed in the Registry Office.

13. A note to the effect that recorded evidence has been taken shall be endorsed on the document and entered in the margin of the Register Book, in which the document is registered.

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

14. *Form of Memoranda.*—The form, in which memoranda under Sections 64, 65 and 66 shall be prepared, is that given in the appendix No. 1. Blank lithographed forms will be supplied to each Office on application to the Inspector-General.

15. When a Registrar receives copy of an English document, which requires that memoranda be forwarded to Sub-Registrars who do not understand English, the memoranda shall be prepared in Urdu or Hindi.

16. *Authentication of Register Book.*—Every entry made in the Register Books, shall be an exact counterpart of the original, and shall be carefully compared with it; all interlineations, blanks, erasures or alterations, which appear in the original shall be shown in the copy entered in the Register. The Registering Officer shall satisfy himself that this has been done; verifying by his signature or initials any corrections rendered necessary by mere errors of transcription, but no such correction shall be made by an erasure or with a knife. The Registering Officer shall also see that the entry has been made in the book to which it properly belongs, that the number affixed to it is that which it ought to bear in order to maintain the consecutive series required by Section 53, and that the book, the volume and the page entered in the certificate of registration are correctly stated; after which he shall authenticate the entry by legibly affixing his signature in full, together with his official designation at the end of the copy of document registered. Copies of endorsement shall also be initialled or signed by the Registering Officer. The entries shall be authenticated daily as they are made in the Register Books.

17. *Particulars to be contained in Indexes Nos. I, II, III, and IV.*—Index No. I is that in which Section 55 requires, that the names and additions of all persons executing, and of all persons claiming under every document entered into, or memorandum filed in Book No. I, shall be entered. It shall contain the following headings:—

1.—Name of person.

2.—Father's name.

3.—Residence.

4.—Profession, trade, caste.

5.—Interest in the transaction, *e.g.*, buyer, mortgagee, &c.



## Registration.]

*Rules under Sec. 69 of Act III of 1877.*

6.—Number of book.

7.—Volume of book.

8.—Page of book.

9.—Letters under which other persons interested in the transaction have been entered.

18. Index No. II is that in which by Section 55 particulars mentioned in Section 21, relating to every document entered or memorandum filed in Book No. I, are to be entered. It shall contain the following headings:—

1.—Name of city, town or village.

2.—Name of Tahsil.

3.—Name of District.

4.—Nature of transaction *e.g.*, sale of land, lease of house, mortgage of land, or house, &c., &c.

5.—Number of book in which document is registered.

6.—Volume of book.

7.—Page of book.

19. Index No. III is that in which Section 55 requires the names and additions of all person executing every Will and authority entered in Book No. III, and of the executors and persons respectively appointed thereunder, and after the death of the testator or donor (but not before), the names and additions of all persons claiming under the same shall be entered. It shall contain the headings prescribed for Index No. I.

20. Index No. IV is that in which Section 55 requires the names and additions of all persons executing and of all persons claiming under every document entered in Book No. IV to be entered. It shall contain the heading prescribed for Index No. I.

21. A Sub-Registrar, on registering a document of the nature referred to in Section 64 or 65, shall enter in his Index No. II, only that portion of the property which is situate in his own Sub-District. A Registrar receiving a copy of a document under Section 65 or 66 will enter only the property situate in his own district.

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

22. A Sub-Registrar receiving a memorandum of a document from a Sub-Registrar, or the Registrar of his own district, will enter the particulars relating to it in his Indexes No. I and No. II, but when the memorandum has been received from the Registrar, the entries should be made in red ink, with a view to facilitate the omission of such entries in the copy of the Indexes to be furnished to the Registrar.

23. The first letter of the name of person shall be the guide to the letter under which the entry is made, and not of the title or caste, and for Europeans, of the surname.

24. Where endorsements or Index entries are made in English, the spelling of vernacular names of places and persons will be regulated by the following table :—

zh _____	a _____
s _____	i _____
sh _____	i _____
s _____	c _____
z _____	u _____
t _____	w _____
z _____	b _____
A small ' placed above the vowel } with which it is sounded }	p _____
	t _____
gh _____	t _____
f _____	s _____
q _____	j _____
k _____	ch _____
g _____	kh _____
l _____	h _____
m _____	d _____
n _____	d _____
w, o, u, au, (as the case may be)	z _____
h _____	r _____
y, ai e, (as the case may be)	z _____
a _____	r _____

25. Index entries shall be made on the same day as the document to which they relate, is copied or filed in its Register Book. They shall be made alphabetically, in Urdu or Hindi on loose sheets of paper, corresponding in size with the sheets of the Register Books, and marked do. do. &c.

Each page shall contain at least 15 entries ; and when, under any letter, a sufficient number of entries to fill a sheet, exclusive of those in red ink, have

## Registration.]

*Rules under Sec. 69 of Act III of 1877.*

been made in Index No. I or No. II or No. III the Sub-Registrar shall cause a clearly written copy of them to be made without delay on good paper of the same size as that of the Register Books, and forwarded to his Registrar. The copy so forwarded shall consist of complete sheets containing at least 60 entries.

26. On the expiration of the calendar year, the remaining entries under each letter shall be copied and forwarded to the Registrar.

27. In forwarding Index sheets, Sub-Registrars shall note at the foot of the last page of each sheet the date up to which it contains entries, and shall also attach their signature and the date of despatch.

28. The Registrar, on receipt of such sheets shall file them under their appropriate letters in his Index file, and on receiving those containing the remaining entries for the year, shall file them also as above directed, and cause the whole, including those for his own office, to be properly bound into one or more volumes as may be expedient, with reference to volumes being of a convenient size.

29. *Holidays.*—The holidays to be observed in Registration Offices, shall be those which may be laid down by the Chief Commissioner for the Civil Courts of the District. All the provisions of Section 26 shall apply to such holidays, but it shall be optional with Registering Officers to keep their offices open during all or any of them, as they may think fit.

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## GENERAL RULES.

30. *Register Books.*—Book No. 1 is the register of non-testamentary documents relating to immoveable property. It and the Indexes relating thereto are open to inspection, and copies of entries in them shall be given to all persons applying for them on payment of the prescribed fees. In this book shall be entered all documents registered under Sections 17 and 18 which relate to immoveable property and are not Wills. It shall contain the following headings:—

1. Value of stamp and copy of all endorsements made in the Registry Office.

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

4.—Time of presentation and receipt of the sealed cover.

Year, month, day, hour.

5.—Name of depositor of the sealed cover.

6.—Names of persons testifying to the identity of depositor.

7.—Time of delivery of the sealed cover to applicant for withdrawal.

Year, month, day, hour.

8.—Names of persons testifying to the identity of applicant at the time of delivery.

9. Time of opening of the sealed cover.

Year, month, day, hour.

38. In addition to the above books, there shall be kept in every Registering Office, a Book No. 6, for the purpose of recording brief abstracts of Powers-of-Attorney, authenticated under Section 33. It shall contain the following headings:—

1.—Number (in consecutive series,) commencing and terminating with the year.

2.—Date (year, month, day).

3.—Name and father's name of principal executing the power.

4.—Name of Attorney.

5.—Names of persons identifying the principal.

6.—Abstract of the contents of the power and amount of fees levied.

Only Powers-of-Attorney to present documents for registration shall be recorded in this book, and this is the only description of Power-of-Attorney which Registering Officers can authenticate under Section 33. General Powers-of-Attorney can be authenticated under this Section, only when they *expressly* contain authority to present documents for registration.

39. If in any Registry Office the number of documents to be registered, be so large that there is difficulty in entering them day by day in the appropriate register, the Registering Officer shall be empowered by the Inspector-General to keep up concurrently two volumes of either Register Book No. 1, or No. 4, the document bearing even numbers being entered in one volume, and those bearing odd numbers in the other.

**Registration.]**

*Rules under Sec. 69 of Act III of 1877.*

40. All documents shall be presented and registered at the Registration Office at the head-quarters of each district or sub-district, as the case may be, except in cases specially provided for by the Act.

41. Where Registering Officers have other duties to perform, a certain portion of each day shall be allotted exclusively to registration work. The time so set apart shall be made generally known, and a written notice of it exhibited in a conspicuous and accessible part of the building in which the Registry Office is located. The notice shall state the hours at which documents will be received and returned daily.

42. At the hours appointed in the notice, the Registering Officer shall personally receive all documents for which registration is sought; have them examined in his own presence, and if they are to be admitted, inform each party of the amount he has to pay; and as soon as it is paid, the receipt prescribed in Section 52 shall be given to him. If in payment of the fees any party pay more than the exact amount due, the balance shall be returned to him at once.

43. When the necessary endorsements have been recorded, the documents shall be made over to the Registry Moharrir, for the purpose of being entered in their appropriate registers, and as soon as this has been done, the Moharrir shall return the documents to the Registering Officer, who shall retain them in his own possession until the time appointed for returning documents comes round, and then cause each to be delivered in his own presence to the proper party, the receipt given for it being at the same time taken back. If the party claiming to receive any document be other than the party to whom the receipt was granted, he must have been nominated in writing on the receipt by the original holder of it, as directed in Section 61.

44. The receiving of documents or of money, the recording of endorsements and the returning of document shall not be left to any Moharrir, to do at any time, or in the absence of the Registering Officer.

45. Registering Officers shall maintain a vigilant control over their Moharrirs, and not place them in closer contact with the public than is unavoidable.

46. When the Registering Officer is not personally acquainted with Executants, he shall require them to produce persons to testify to their

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

identity, who are personally known to him, or to some other person whom he personally knows. He may also, if he think fit, cause descriptive rolls to be recorded of the persons representing themselves as Executants; but this procedure must be in addition to, and not take the place of the positive procedure required by Section 34, that the Registering Officer shall satisfy himself of their identity, for it must be borne in mind that such descriptive rolls afford in themselves no proof of identity.

47. If the person presenting the document is an Agent, he must produce a Power-of-Attorney executed in the presence of and authenticated by a Registering Officer, as required by Section 33 of the Act. If he is a representative or assign, he must produce evidence of his status.

48. *Endorsements.*—Endorsements shall be written as far as possible in the language best understood by the party presenting the document for registration: that is to say, if he be a European, in English; if a Native, in Urdu or Hindi. The forms for endorsements appended, No. 2 shall be observed by all Registering Officers.

49. Endorsements shall always be written in the presence of the Registering Officer and of the Executants of documents, or of the parties authorized to admit execution of them.

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**Registration.]***Rules under Sec. 69 of Act III of 1877.***APPENDIX NO. 1.**

*Memorandum of a document registered by (Registrar or  
Sub-Registrar of*

Date of Execution.	Particulars relating to the Executant.	Particulars relating to the person in whose favor executed.	Nature and value of transaction.	Description of the immoveable property to which it relates.	Particulars of Registration.
Year. Month. Date.	Name. Father's name. Caste. Profession. Residence. Town or Village. Tahsil. District. If there be more than one, these particulars shall be given in respect to each of them.	Name. Father's name. Caste. Profession. Residence. Town or Village. Tahsil. District. If there be more than one, these particulars shall be given in respect to each of them.	Whether sale or mortgage, or release  Rupees.	If houses or lands situated in a town, the name of the town and the immediate boundaries of the property shall be entered here.  Other houses and lands shall be described by the name of the Village, the Tahsil, and the district in which they are situate, in addition to their immediate boundaries and the numbers by which they are known.  Only that portion of the property which is situate in the Sub-District to which the memo. is sent should be entered.	Registered No  Date.  Month.  Year.  In book I.  Vol.  Pages.  No.

Forwarded to Sub-Registrar of  
under Section

Date

Registrar or Sub-Registrar.

**APPENDIX NO. 2.***Form of Endorsement under Section 52, Act III of 1877.*

This endorsement will be entered on every document presented for registration.

## [Registration]

*Rules under Sec. 69 of Act III of 1877.*

Presented at the office of the Registrar (or Sub-Registrar) of (name of place) on (day of week), the (day of month) day of (name of month 18 ), between the hours of A.M. (or P.M.)

Signature of every person presenting } Signature of the Registering  
the document. } Officer.

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*Form of Endorsement under Section 58, Act III of 1877.*

1. When the person purporting to have executed the document is personally known to the Registering Officer, and admits the execution of the document and the receipt (if any) of the consideration stated in it :—

Execution admitted and receipt of consideration acknowledged, (if so), by (name), (profession) son of (name), (caste), resident of (name of place), Tahsil or Pargannah , District who is personally known to the Registering Officer.

Executants's Signature	...	} Signature of Registering Officer.
Profession	...	
Residence	...	

2. When the person purporting to have executed the document is not personally known to the Registering Officer, but admits the execution of the document and the receipt (if any) of the consideration stated in it :—

Execution admitted and receipt of consideration acknowledged, (if so), by (name and profession), son of (caste), resident of (name of place), Tahsil or Pargannah , District

The said (name of executant), identified by (name and profession), son of , caste

resident of , Tahsil , District

, and by (name and profession), son of

, caste , resident of

Tahsil, , District ; these witnesses

being personally known to the Registering Officer or to (name and profession), son of

caste , resident of , Tahsil

, District

being personally known to the Registering Officer. , the latter



Registration.]

*Rules under Sec. 69 of Act III of 1877.*

Signature ... } of Executant and every } Signature of Register-  
 Profession .. } other person examined. } ing Officer.  
 Residence ... }

(NOTE.—When the Executant admits execution of the document, but refuses to sign the endorsement, the Registering Officer will register the document, but endorse a note of such refusal, Section 58).

3. When the execution is admitted by an Agent.

Execution by (name of executant), admitted by (name of agent), son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_, who holds a duly authenticated Power-of-Attorney from (name of executant). The said (name of agent), identified by (name of profession) \_\_\_\_\_ son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_, and by (name and profession) \_\_\_\_\_ resident of \_\_\_\_\_, Tahsil \_\_\_\_\_ District \_\_\_\_\_; these witnesses being personally known to the Registering Officer or to (name and profession) \_\_\_\_\_, son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_ the latter being personally known to the Registering Officer.

Signature ... } of the Agent and every } Signature of Register-  
 Profession .. } other person examined } ing Officer.  
 Residence ... }

4. When the execution is admitted by a representative or assign :—

Execution by (name of executant), admitted by (name of representative or assign), son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_, of whose right to appear as (representative or assign) the Registering Officer is satisfied. The said (name of representative or assign) identified by (name and profession) son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_, and by (name and profession), son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_, Tahsil \_\_\_\_\_, District \_\_\_\_\_; these witnesses being personally known to the Registering Officer, or to (name and profession), son of \_\_\_\_\_, caste \_\_\_\_\_, resident of \_\_\_\_\_.

## [Registration.]

*Rules under Sec. 69 of Act III of 1877.*

Tahsil \_\_\_\_\_, District \_\_\_\_\_, who is personally known to the Registering-Officer.

Signature	...	} Signature of Registering Officer.
Profession	...	
Residence	...	

{ of representative  
or assign, and of  
every person examined.

(NOTE.—When the Executant is dead, the fact should be noted in the endorsement.)

5. When the document presented for registration is an instrument executed by any of the Officers mentioned in Section 88 :—

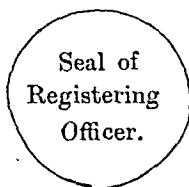
Having satisfied myself, that this instrument was executed by A. B., Official Trustee (or as the case may be) in his official capacity, his attendance and signature are dispensed with, and this instrument is admitted to registration.

*Signature of Registering Officer.*

*Certificate Under Section 60.*

6. When the document presented for registration is a certified copy of a decree or order of a Civil Court, nothing beyond the endorsement under Section 52, and the certificate of registration under Section 60 will be necessary.

Registered as No.	in page or pages	of volume
of Register Book No.	date.	



*Signature of Registering Officer.*

*Form of authentication of Powers-of-Attorney authenticated under Section 33.*

1. When the principal attends at the Registration Office, or the Registering Officer goes to his house or to a jail.

This Power-of-Attorney has been executed in my presence by (name of Executant,) who is a resident of my (District or Sub-District,) and is personally known to me, or is identified by \_\_\_\_\_ and \_\_\_\_\_, who are known to me.



*Signature of Registering Officer.*

gistration.]

es under Sec. 69 of Act III of 1877.

3. When a commission is issued to obtain evidence as to the voluntary  
are of the execution :

I have satisfied myself, through (name of person to whom a commission  
issued,) to whom a commission was issued for the purpose, that this  
ver-of-Attorney was voluntarily executed by (name of executant), who is a  
dent of my (District or Sub-District.)



*Signature of Registering Officer.*

(NOTE.—When the Registering Officer attends at a private residence or  
il, for the purpose of registering or authenticating a document, or issues a  
mission to obtain the necessary information to enable him to do so, the  
should be stated in the endorsement.)

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## [Registration.]

*Table of fees for the registration of documents.*

## NOTIFICATION.

[1] No. 203-87—*Dated Abu, the 5th March 1887.*

In supersession of this office Notification No. 507, dated the 20th June, 1873, published in the Rajputana Official Gazette, the Chief Commissioner of Ajmere-Merwara is pleased, with the previous approval and sanction of the Governor-General in council, to prescribe the following table of fees for the registration of documents, &c., under Act III of 1877, with effect from the 1st April 1887.

TABLE OF FEES LEVIABLE UNDER THE INDIAN REGISTRATION  
ACT III OF 1877.

## ARTICLE I.

The Act divides documents into two classes:—

*Class 1st.*—Those the registration of which is obligatory under section 17.

*Class 2nd.*—Those the registration of which is optional under section 18.

*First Class.*

I.—Instruments of gift of immoveable property:—

						Rs.	A.	P.
When the value of gift expressed in the instrument does not exceed Rs. 100						0	8	0
Exceeding Rs.	100,	but not exceeding Rs.	500	...	...	2	0	0
Ditto	"	500,	ditto	"	5,000	4	0	0
Ditto	"	5,000,	ditto	"	10,000	6	0	0
Ditto	"	10,000,	ditto	"	25,000	8	0	0
Ditto	"	25,000,	ditto	"	50,000	10	0	0
Ditto	"	50,000,	ditto	"	75,000	12	0	0
Ditto	"	75,000,	ditto	"	1,00,000	16	0	0
Over	...	...	"	1,00,000	...	20	0	0
When the value is not expressed						10	0	0

**Registration.]***Table of fees for the registration of documents.*

II.—Lease of immoveable property from year to year or reserving a yearly rent:—

					Rs.	A.	P.
When the rent per annum entered in the lease does not							
exceed Rs. 100	...	...	...	...	0	2	0
Exceeding „ 100, but not exceeding Rs. 500	...		...	...	0	4	0
Ditto „ 500,	...	...	...	...	0	8	0
When the rent is not stated	...	...	...	...	2	0	0

III.—Other non-testamentary instruments which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property:—

					Rs.	A.	P.
When the value of the right, title or interest, as stated in							
the instrument, does not exceed Rs. 200	...	...	...	...	1	0	0
Exceeding Rs. 200, but not exceeding Rs. 500	...		...	...	2	0	0
Ditto „ 500,	ditto	„	2,500	...	4	0	0
Ditto „ 2,500,	ditto	„	5,000	...	6	0	0
Ditto „ 5,000,	ditto	„	10,000	...	8	0	0
Ditto „ 10,000,	ditto	„	50,000	...	10	0	0
Ditto „ 50,000,	ditto	„	1,00,000	...	16	0	0
Over ...	...	„	1,00,000	...	20	0	0
When the value is not expressed	...	...	...	...	10	0	0

IV.—Non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation, or extinction of any such right, title, or interest:—

					Rs.	A.	P.
When the consideration-money, as stated in the instrument							
does not exceed Rs. 200	...	...	...	...	1	0	0
Exceeding Rs. 200, but not exceeding Rs. 500	...		...	...	2	0	0
Ditto „ 500,	ditto	„	2,500	...	4	0	0
Ditto „ 2,500,	ditto	„	5,000	...	6	0	0
Ditto „ 5,000,	ditto	„	10,000	...	8	0	0
Ditto „ 10,000,	ditto	„	50,000	...	10	0	0
Ditto „ 50,000,	ditto	„	1,00,000	...	16	0	0
Over ...	...	„	1,00,000	...	20	0	0
V.—Written authorities to adopt not conferred by Will	...			...	4	0	0

## [Registration.]

*Table of fees for the registration of documents.**Second Class.*

I.—Instruments (other than instruments of gift and Wills) which purport or operate to create, declare, assign, limit, or extinguish, whether in present or in future, any right, title, or interest, whether vested or contingent, of a value less than Rs. 100, to or in immoveable property :—

				Rs.	A.	P.
When the value of the right, title, or interest, as stated in						
the instrument, does not exceed Rs. 50	...	...	...	0	4	0
Exceeding Rs. 50	...	...	...	0	8	0

II.—Instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extension of any such right, title, or interest :—

					Rs.	A.	P.
When the consideration money, &c., does not exceed							
Rs. 50 ..	...	...	...	...	0	4	0
Exceeding Rs. 50	...	...	...	...	0	8	0

III.—Leases of immoveable property for any term not exceeding one year and leases exempted under section 17 :—

					Rs.	A.	P.
When the rent per annum entered in the lease does not							
exceed Rs. 100	...	...	...	...	0	2	0
Exceeding „ 100, but not exceeding Rs. 500	...	...	...	...	0	4	0
Ditto „ 500, ditto „ 1,000	...	...	...	...	0	8	0
Ditto ... „ 1,000	...	...	...	...	1	0	0
When the rent is not stated	...	...	...	...	4	0	0

*Note.*—If a patta or lease be given to a raiyat, and the kabuliyat or counterpart of such patta or lease be brought for registration at the same time as the patta or lease, the fees chargeable in respect of the two documents shall not be greater than the fee which would have been charged on the patta alone.

IV.—Instruments which purport or operate to create, declare, assign, limit, or extinguish any right, title, or interest to or in moveable property :—

					Rs.	A.	P.
When the value of the property is expressed in the instrument							
and does not exceed Rs. 50	...	...	...	...	0	2	0

## Registration.]

*Table of fees for the registration of documents.*

					Rs.	A.	P.
Exceeding Rs.	50, but not exceeding Rs.	100	...		0	4	0
Ditto	" 100,	ditto "	200	...	0	8	0
Ditto	" 200,	ditto "	500	...	1	0	0
Ditto	" 500,	ditto "	2,500	...	2	0	0
Ditto	" 2,500,	ditto "	5,000	...	4	0	0
Ditto	" 5,000,	ditto "	10,000	...	6	0	0
Ditto	" 10,000,	ditto "	50,000	...	8	0	0
Ditto	" 50,000,	ditto "	1,00,000	...	10	0	0
Ditto	... ..	... "	1,00,000	...	16	0	0
When the value is not expressed				...	10	0	0

## V.—Wills—

				Rs.	A.	P.
On deposit of sealed cover under section 42, Act III, 1877...				2	0	0
On application under section 44 for withdrawal of sealed cover deposited under section 42				...	...	...
On application under section 45 for opening a deposited sealed cover				...	...	...
				2	0	0

*Note.*—A charge at the rate prescribed in article IX is to be made for copying into the register book the contents of such sealed cover.

				Rs.	A.	P.
On the registration of Wills				...	...	...
				2	0	0

## VI:—

(a) For safe custody of any non-testamentary document in the iron-safe of a Registrar				...	...	...
				2	0	0
(b) For return of any such document deposited for safe custody in the iron-safe of a Registrar				...	...	...
				2	0	0

## VII.—Deeds, bonds, contracts, or other documents:—

When the amount is expressed and does not exceed Rs. 50						0	2	0
Exceeding Rs. 50, but not exceeding Rs. 100		...	0	4	0			
Ditto	„ 100,	ditto	„ 200	...	0	8	0	
Ditto	„ 200,	ditto	„ 500	...	1	0	0	
Ditto	„ 500,	ditto	„ 2,500	...	2	0	0	
Ditto	„ 2,500,	ditto	„ 5,000	...	3	0	0	
Ditto	„ 5,000,	ditto	„ 10,000	...	4	0	0	
Ditto	„ 10,000,	ditto	„ 50,000	...	6	0	0	

## [Registration.]

*Table of fees for the registration of documents.*

			Rs.	A.	P.
Exceeding Rs. 50,000, but not exceeding Rs. 1,00,000	...	...	8	0	0
Ditto	...	„ 1,00,000	16	0	0
When the value is not expressed	...	...	10	0	0

## VIII :—

For the registration of a power-of-attorney or any other document registerable under clause (f), section 18, Act III, 1877, which cannot be brought under the *ad valorem* scale prescribed by the immediately preceding clause of this table

2 0 0

## ARTICLE II.

For authentication of a power-of-attorney under section 33, Act III 1877 :—

			Rs.	A.	P.
If such power be general	...	...	2	0	0
If special	...	...	1	0	0

## ARTICLE III.

On discretionary registration by a Registrar under section 30, Act III, 1877, an additional fee of

4 0 0

*Note A.*—This additional fee is not payable on the deposit of Wills; nor shall it be levied when the instrument is taken for registration to the Registrar in consequence of the Sub-Registrar being unacquainted with the language in which it is written; nor when a deed is registered by the District Registrar in consequence of the Sub-Registrar being a party interested in the transaction to which such deed relates.

## ARTICLE IV.

			Rs.	A.	P.
For filing a translation	...	...	1	0	0

## ARTICLE V.

*Searching of Registers.*

For the first hour or part of such hour	...	...	1	0	0
For each subsequent hour or part of an hour	...	...	0	8	0

*Note.*—When a registering officer is called upon by a Judicial officer to search registers in order to ascertain whether a particular property is encumbered or not he shall do so free of charge.



**Registration.]***Table of fees for the registration of documents.***ARTICLE VI.**

For the attendance by a registering officer under section 31, 33 or 38, at a private residence or a jail, or for the issue of a commission under section 33 or 38, Act III, 1877 :—

	Rs.	A.	P.
(a) When a satisfactory certificate is produced as to sickness or infirmity, or when the person to be examined is confined in jail, a fee of ... ..	5	0	0
(b) When the woman to be examined is exempted from personal appearance under section 640 of the Code of Civil Procedure, a fee of ... ..	5	0	0
(c) When the person to be examined is exempted from personal appearance under Section 641 of the Code of Civil Procedure, a fee of ... ..	16	0	0
(d) In all other cases ... ..	10	0	0

*Note A.*—In addition to this fee, travelling allowance at the following rates is to be levied for all distances exceeding one mile from the Registration Office :—

In the case of Covenanted and Military Commissioned Officers, three annas a mile by rail and eight annas a mile by road.

In the case of all other registering officers, or of commissioners if appointed, one and a half annas a mile by rail and four annas a mile by road.

*Note B.*—The costs of a visit, or of a commission, for the examination of a person exempted under Section 641 of the Code of Civil Procedure shall be paid by him, unless the party requiring his evidence pays such costs.

*Note C.*—The distances for which travelling allowance is charged shall be calculated according to the table which is drawn up in the Collector's office for the service of processes. Copy of this table shall be exhibited in every Registration office.

**ARTICLE VII.**

When, under section 36, Act III, 1877, application is made to the officer or Court appointed by the Local Government to issue a summons, the process

## [Registration.]

*Table of fees for the registration of documents.*

fee ordinarily payable on the issue and service of a summons by such officer or Court is to be levied from the person at whose instance the application is made, and forwarded along with that application.

## ARTICLE VIII.

The remuneration of witnesses is to be fixed by the registering officer with reference to the rules for the time being in force under section 160 of the Code of Civil Procedure, and must be forwarded with the application for the issue of summons. When, however, the person summoned is the person who has executed the instrument, remuneration should not be allowed him.

## ARTICLE IX.

Making or granting copies of reasons, entries, or documents before, on, or after registration :—

					Rs.	A.	P.
Documents in the Urdu language of under 100 words					...	0	1 0
Ditto	ditto	150	„	...	0	2	0
Ditto	ditto	250	„	...	0	3	0
Ditto	ditto	350	„	...	0	4	0
Ditto	ditto	450	„	...	0	6	0
Ditto	ditto	500	„	...	0	7	0
Ditto	ditto	600	„	...	0	8	0
Ditto	ditto	900	„	...	0	12	0
Ditto	ditto	1,200	„	...	1	0	0
Documents in English, Hindi, or any other							
language under	...	...	50	„	...	0	1 0
Ditto	ditto	100	„	...	0	2	0
Ditto	ditto	200	„	...	0	4	0
Ditto	ditto	300	„	...	0	6	0
Ditto	ditto	400	„	...	0	8	0
Ditto	ditto	500	„	...	0	9	0
Ditto	ditto	600	„	...	0	11	0
Ditto	ditto	700	„	...	0	14	0
Ditto	ditto	750	„	...	1	0	0

*Note A.*—Copies of reasons granted before registration are those which, in cases of refused registration are under section 76, Act III, 1877, to be given on application made by any person executing or claiming under the documents.

## Registration.]

### *Table of fees for the registration of documents.*

*Note B.*—The entering of instruments in the appropriate registers at the time of registration is to be paid for at the rate prescribed in article IX, and any copies or copying of an instrument necessary under section 64, 65, and 66 Act III, 1877, are to be paid for at that rate at the time of registration of the instrument.

*Note C.*—When application for a copy under section 57, Act III, 1877, necessitates a search, the fee prescribed by article V is to be levied in addition to that chargeable under article IX.

*Note D.*—Government officers who may require to search the registers or take copies of entries in the registers for *bona fide* public purposes will be exempted from payment of the fees under articles V and IX on a certificate being granted by the Collector or Registrar that the information is required solely in the interests of Government.

## ARTICLE X.

Unclaimed documents deposited by a Registrar in his iron-safe will be surrendered only on payment of a fee of four annas per mensem, for each month, or portion of a month, during which they have been held in custody.

## ARTICLE XI.

When the value of an instrument is expressed in pounds sterling, pounds currency, the value of such money shall be calculated in the currency of British India according to the following scale:—One pound sterling or pound currency is equivalent to ten rupees.

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## NOTIFICATION.

[a] No. 1115.—*Dated the 6th October 1894.*

Under the authority vested in him by section 4 of the Indian Registration Act III of 1877, as modified up to the 1st December 1892, the Chief Commissioner, Ajmere-Merwara, is pleased to appoint the Commissioner of Ajmere-Merwara to be Inspector-General of Registration.

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[a] *Gazette of India*, dated 13th October 1894, part II, page 952.

# Repealing and Amending Regulation.]

No. IX of 1893.

## LEGISLATIVE DEPARTMENT.

### NOTIFICATION.

[a] No. 26.—*Dated Simla, the 18th August 1893.*

Whereas by Resolution passed by the Secretary of State for India in Council on the sixteenth day of March 1871, the provisions of the 33rd of Vict., Chap. 3, Sec. I, were declared applicable to Ajmere and Merwara.

And whereas the Chief Commissioner of Ajmere and Merwara has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft, and the same has received the Governor-General's assent on the 16th day of August 1893.

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India* and local Gazette for Ajmere and Merwara.

### REGULATION No. IX OF 1893.

A Regulation to repeal certain Obsolete Enactments and to amend certain other Enactments applying to Ajmere and Merwara.

Whereas it is expedient that certain enactments specified in the first schedule to this Regulation which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Regulation;

It is hereby enacted as follows:

Title, extent and commencement.

I. (1) This Regulation may be called the Ajmere Repealing and Amending Regulation 1893.

## [Repealing and Amending Regulation.

No. IX of 1893.

(2) It extends to the territories administered by the Chief Commissioner of Ajmere, and subject to the provisions of the statute 33 Victoria, chapter 3, section I; and

(3) It shall come into force at once.

Enactments in schedules repealed and amended respectively.

II. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

Savings.

III. The repeal by this Regulation of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Regulation shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof; or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall the repeal by this Regulation of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

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# Repealing and Amending Regulation.]

No. IX of 1893.

## THE FIRST SCHEDULE.

Regulations made under the statute 33 Victoria, Chapter 3.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1877	I III	Ajmere Courts Regulation, 1877. Ajmere Laws Regulation, 1877.	Sections 2 3 and 40 and this schednle. The second schedule, so far as it relates to Bengal Regulations I of 1798, XVII of 1806, V of 1817 and VI of 1819. In the entry in the second Schedule relating to Bengal Regulation XI of 1806, <i>the words and figures</i> and with the exception, in section VIII, of the words and figures under the rules prescribed by Regulation V of 1801.
1879 1886	I V	Salt ... .. Ajmere Municipalities Regulation, 1886.	The whole. Section I, sub-section (4).
1886	V	Ditto - ...	Section 5, <i>from and inclusive of the words</i> and shall to the end. Section 8, clause (b). In Section 163 the words and figures of the North-Western Provinces and Oudh Municipalities Act, 1873, the words or that Act, and the words or the Act, as the case may be.
THE SECOND			SCHEDULE.
1877	1	Ajmere Courts Regulation, 1877,	In section 12, <i>for</i> sections twenty-three and thirty-three, <i>read</i> section twenty three. In section 23, <i>for</i> the proviso <i>read</i> provided that references under Chapter XLVI of the Code of Civil Procedure or under section II of the Provincial Small Cause Courts Act 1887, shall be made, not to the Chief Commissioner, but to the High Court of Judicature for the North-Western Provinces.
1877	II	Ajmere Land and Revenue Regulation, 1877.	In sections 112 and 113, <i>for</i> Rajputana <i>read</i> official.
1886	V	Ajmere Municipalities Regulation, 1886.	In section 8 clause (c), <i>for</i> clauses (a) and (b) <i>read</i> clause (a). In sections 37 and 38, <i>for</i> Government Civil Pension and Leave Codes <i>and</i> in section 38 <i>for</i> Government Civil Pension Code <i>read</i> Civil Service Regulations.
1886	VI	Ajmere Rural Boards Regulation, 1886.	In sections 15 and 16, <i>for</i> Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.





## Rural Boards.]

*Regulation No. VI of 1886.*

## CHAPTER V.

## OFFICERS AND SERVANTS.

- 14 Employment of officers and servants.
- 15 Pensions of Government officials serving the district board.
- 16 Pensions of other officers and servants.

## CHAPTER VI.

## DISTRICT FUND.

- 17 Constitution, custody and application of the district fund.

## CHAPTER VII.

## CONTROL.

- 18 Power of Commissioner in cases of default of district board.
- 19 Power of Commissioner to suspend, and of Chief Commissioner to cancel proceedings of boards.
- 20 Power to supersede district board in case of incompetency, persistent default or abuse of powers.

## CHAPTER VIII.

## LIABILITY OF MEMBERS OF BOARDS.

- 21 Liability of members for loss, waste or misapplication.

## CHAPTER IX.

## FORMS AND RULES.

- 22 Power of Chief Commissioner to frame forms and make rules.
- 23 Power of boards to make rules.

**\*THE AJMERE RURAL BOARDS REGULATION, 1886.**

Whereas a rate is levied on land in Ajmere and Merwara for certain, local purposes, and it is expedient to make better provision for the constitution of local bodies to administer the expenditure of the proceeds of that rate, and of the income accruing from certain other sources of revenue which may from time to time, be made applicable to local purposes ; it is hereby enacted as follows :—

**CHAPTER I.****PRELIMINARY.**

I. (1) This Regulation may be called the Ajmere Rural Boards Regulation, 1886.  
Short title, extent and commencement.

(2) It extends to all the territories which are now under the the administration of the Chief Commissioner of Ajmere, and to which the provisions of the thirty-third of Victoria, chapter three, section one, have been declared applicable ; and

(3) It shall come into force on the first day of November 1886.

**CHAPTER II.****LOCAL RATE.**

2. (1) Every estate shall be subject to the payment of a rate, to be called the local rate, not exceeding three pies for every rupee of its annual value.  
Local rate.

(2) " Annual value " in sub-section (1) means—

(a) In the case of a khalsa estate, double the land-revenue for the time being assessed on the estate ;

## Rural Boards.]

*Regulation No. VI of 1886.*

(b) In the case of an istimrari estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been in part released ; and

(c) In the case of a jagir estate, double the land-revenue which would have been assessable on the estate if the land-revenue thereof had not been wholly released.

(3) The rate levied on any estate for the maintenance of roads, schools, and the district-post at the time of the enactment of this Regulation, shall be deemed to be the local rate to which the estate is subject under this section.

(4) The Chief Commissioner may at any time direct the revision of the assessment of the local rate for all or any estates in any local area, and from time to time prescribe the instalments and times in and at which that rate shall be payable.

(5) The local rate may be recovered as if it were an arrear of land-revenue due in respect of the estate subject thereto.

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## CHAPTER III.

### CONSTITUTION OF DISTRICT BOARDS AND LOCAL BOARDS.

3. (1) By order in writing, for the purposes of this Regulation, the Chief Commissioner may declare all the territories under his administration to be one district, or may divide those territories into districts and may divide any district into sub-districts.

(2) The Chief Commissioner may, from time to time, by order in writing, vary any order made under this section.

(3) There shall be excluded from the district or districts formed under this section such portions of the said territories as are for the time being included in the limits of a military cantonment or of a municipality.

4. There shall be established for the district, or for each district, as the case may be, a district board having authority over the district, and, when the district is divided into sub-districts, for each sub-district a

Formation of districts and sub-districts.

Establishment of district board for district, and of local board for sub-district.

## [Rural Boards.]

*Regulation No. VI of 1886:*

Local board, which shall in the sub-district be the agent of the district board and, as such agent, have such authority and discharge such duties as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

5. (1) A district board or local board shall consist of such number of members, not less than six, as the Chief Commissioner may, from time to time, fix in this behalf.

Number and appointment or election of members.

(2) The members may be appointed by the Chief Commissioner either by name or by official designation, or may be elected in accordance with rules made by the Chief Commissioner under this Regulation, or some may be appointed and some elected, as the Chief Commissioner from time to time directs :

Provided that—

(a) Not less than two-thirds of the members of every board shall be persons by whom the local rate is payable ; and

(b) When the district has been divided into sub-districts, not less than one-half of the members of each local board shall be members of the district board.

6. (1) A member appointed by virtue of an office shall, unless the Chief Commissioner otherwise directs, continue to be a member while he continues to hold that office.

Term of office of members.

(2) The term of office of all other members shall be fixed by the Chief Commissioner by rules made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

7. A member may resign by notifying in writing his intention to do so to the Chief Commissioner, and, on the acceptance by the Chief Commissioner of such resignation, the member shall be deemed to have vacated his office.

Resignation of members.

**Rural Boards.]***Regulation No. VI of 1886.*

8. The Chief Commissioner may remove  
any member—

Power of Chief Commissioner as to removal of members.

- (a) If he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Chief Commissioner, a defect of character which unfits him to be a member ;
- (b) If he has been proscribed by the Government from being employed in its service ;
- (c) If he, being a member of a local board, without an excuse, sufficient in the opinion of the Chief Commissioner, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board ;
- (d) If his continuance in office is, in the opinion of the Chief Commissioner, dangerous to the public peace or order ; or,
- (e) When he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Chief Commissioner, unnecessary or undesirable.

9. (1) When the place of an elected member becomes vacant by the resignation or removal of the member or by his death, a new member shall be chosen, in accordance with rules made by the Chief Commissioner under this Regulation, to fill the place :

Provided that the Chief Commissioner may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member appointed by name becomes vacant as aforesaid, the Chief Commissioner may, if he thinks fit, appoint a new member to fill the place.

(3) A person chosen or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

## [Rural Boards.]

*Regulation No. VI of 1886.*

10. A District Board shall be a body corporate [by the name of the district board of its district, shall have] perpetual succession and a common [seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property, and, subject to rules made by the Chief Commissioner under this Regulation, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Incorporation of District Board.

11. The board for a district or sub-district shall come into existence at such time as the Chief Commissioner may appoint in this behalf.

Time for boards coming into existence.

## CHAPTER IV.

## DUTIES OF DISTRICT BOARDS.

12. The following matters shall, subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, be under the control and administration of the District Board within the area subject to its authority:—

Matters to be administered by District Board.

- (a) The construction, repair and maintenance of public roads and other means of communication ;
- (b) The establishment, management, maintenance, and visiting of schools, hospitals, dispensaries, markets, rest houses, sarais and other public institutions, and the construction and repair of all buildings connected with these institutions ;
- (c) The construction and repair of public wells, tanks, and waterworks, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking, and bathing purposes ;
- (d) The planting and preservation of trees on the sides of roads and on other public ground ;
- (e) The establishment and maintenance of such relief-works in time of famine or scarcity, as may be entrusted to the charge of the board by the Chief Commissioner ;

**Rural Boards.]***Regulation No. VI of 1886.*

1871. (f) The establishment and management of pounds, including, where the Cattle Trespass Act 1871 is in force, such functions of the Local Government and the Magistrate of the district as may be transferred to the board by the Chief Commissioner;
- (g) The regulation of encamping-grounds;
- (h) The holding and management of agricultural shows and industrial exhibitions;
- (i) The maintenance of any property which is vested in the district board or may be placed by the Chief Commissioner under the management of that board; and
- (j) Any other local works or measures likely to promote the health comfort or convenience of the public.

District Board not to abolish any institution without concurrence of departmental authority, and not to depart from approved principles of administration.

**13.** (1) The district board shall not abolish any school, dispensary or other institution without reference to the Head of the Department concerned.

(2) If any difference of opinion arises between the District Board and the Head of a Department under sub-section (1), the decision thereon of the Chief Commissioner shall be final.

(3) The District Board shall, in controlling and administering the matters specified in section 12, observe those general principles which the Government has approved in the several departments of the administration.

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## CHAPTER V.

### OFFICERS AND SERVANTS.

**14.** (1) The District Board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards (if any) in the district, and may assign to such officers and servants such pay as it thinks fit, and as may be approved by the Commissioner.

Employment of officers and servants.

## [Rural Boards.

*Regulation No. VI of 1886.*

(2) If, in the opinion of the Commissioner—

(a) The number of persons employed by the District Board under this section is excessive, or

(b) Any such person is unfit for his employment,

the board shall, on the requirement of the Commissioner, reduce the number, or dismiss the unfit person, as the case may be.

Pensions of Government  
officials serving the District  
Board.

15. In the case of a Government official the District Board may—

(1) If his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the [a] Civil Service Regulations [a] for the time being in force; and

(2) If he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Chief Commissioner.

16. In the case of an officer or servant not being a Government official referred to in section 15, the District Board may—

Pensions of other officers and  
servants.

(1) Grant him leave-allowances, and, if his monthly pay is less than ten rupees, a gratuity; and

(2) If empowered in this behalf by the Chief Commissioner—

(a) Subscribe in his behalf for pension or gratuity under the rules of the [a] Civil Service Regulations [a] for the time being in force; or

(b) Purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the [a] Civil Service Regulations [a] for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

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[a-a] These words were substituted for the original by Regulation IX of 1893, printed *supra*, page 1370.



## Rural Boards.]

*Regulation No. VI of 1886.*

## CHAPTER VI.

## DISTRICT FUND.

17. (1) There shall be formed for the district or for each district, as the Constitution, custody, and application of the district fund, case may be, a fund to be called the district fund, and there shall be placed to the credit thereof—

(a) The whole, or such portion as the Chief Commissioner may determine, of the balance of local funds available in whole or in part for expenditure in the district on the day on which the District Board comes into existence;

(b) The proceeds of the local rate levied in the district, after deduction therefrom of such sum as the Chief Commissioner may assign for the maintenance of the district-post;

and, subject to such exceptions and conditions as the Chief Commissioner may, from time to time, make and impose, the following, namely:—

(c) The sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the District Board, and of timber fallen and felled thereon;

(d) The surplus accruing in the district under section 18 of the Cattle-Trespass Act, 1871;

(e) Receipts from encamping-grounds under the regulation of the District Board;

(f) Receipts from property vested in the District Board;

(g) Rents and profits accruing from nazul and other property placed by the Chief Commissioner under the management of the District Board;

(h) Other sums assigned to the district fund by the Chief Commissioner, and sums contributed thereto by local bodies or private persons; and

(i) All other sums received by or on behalf of the District Board in the carrying out of this Regulation.

(2) The district fund shall be vested in the District Board, and the balance standing at the credit of the fund shall be kept in the Government Treasury.

## [Rural Boards.]

*Regulation No VI of 1886.*

(3) The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district board, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Chief Commissioner to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(4) Subject to the charges specified in sub-section (3), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses, incidental to the several matters specified in sections 12, 14, 15 and 16.

## CHAPTER VII.

## CONTROL.

**18.** (1) When the Commissioner, after due enquiry, is satisfied that a District Board has made default in performing any duty imposed upon it by or under this Regulation or any other law for the time being in force, he may, by an order in writing, fix a period for the performance of that duty, and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the board to that person.

(2) The Chief Commissioner may confirm, modify or rescind any order made under this section by the Commissioner.

**19.** The Commissioner may suspend, and the Chief Commissioner may cancel, any proceeding of a board, if in his opinion the proceeding is in excess of the powers conferred by law, or is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

**20.** (1) If a District Board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval

## Rural Boards.]

*Regulation No VI of 1886.*

of the Governor-General in Council, by an order published, with the reasons for making it, in the *Gazette of India*, declare the board to be incompetent or in persistent default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a district board is so superseded, the following consequences shall ensue :—

- (a) All members of the board, and all members of the local boards (if any) of the district, shall, from the date of the order, vacate their offices as such members ;
- (b) All powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Chief Commissioner, from time to time, appoints in that behalf ; and
- (c) All property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the district board and the local boards (if any) shall be re-established, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

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## CHAPTER VIII.

### LIABILITY OF MEMBERS OF BOARDS.

21. A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of that board or of a local board, and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.
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Liability of members for loss, waste or misapplication.

## CHAPTER IX.

## FORMS AND RULES.

**22.** (1) The Chief Commissioner may, from time to time, frame forms for any proceeding for which he considers that a form should be provided, and make rules consistent with this Regulation—

Power of Chief Commissioner to frame forms and make rules.

- (a) As to the mode and time of appointment or election of members of boards, and the qualifications and disqualifications of such members, and the qualifications and disqualifications of electors, and generally for regulating all elections under this Regulation ;
- (b) As to the term of office of members, and the filling of casual vacancies ;
- (c) As to the conduct of proceedings of boards, including the minimum number of meetings to be held and the maximum interval between successive meetings, the mode of convening, and notice to be given of, meetings, the quorum necessary for the transaction of business at any meeting, the representation of any members at meetings by proxies appointed either from among the other members or otherwise, the appointment or election and the term of office of chairmen, vice-chairmen, and secretaries, the giving of a casting vote in case of an equality of votes at a meeting, the formation of committees and the delegation of powers to them, and the recording of minutes of proceedings and the transmission of copies of those minutes to the Commissioner ;
- (d) As to the powers of boards to enter into contracts and transfer property, and as to the mode in which boards shall execute contracts ;
- (e) As to the authority on which money may be paid from the district fund ;
- (f) As to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of a board, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned ;
- (g) As to the accounts to be kept, and as to the manner in which those accounts shall be audited and published ;

**Rural Boards.]***Regulation No. VI of 1336.*

- (h) As to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (i) As to the returns, statements, and reports to be submitted by boards ;
- (j) As to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area ; and,
- (k) Generally, for the guidance of boards and officers of Government in all matters connected with the carrying out of this Regulation and for settling their relations to one another.

(2) The Chief Commissioner shall, before making any rules under this section, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(3) Every rule made under this section shall be published in such manner as the Chief Commissioner may, from time to time, prescribe in this behalf ; and such publication shall be conclusive evidence that the rule has been made as required by sub-section (2).

**23.** The District Board, and, with the previous sanction of the District Board, a Local Board, may, from time to time, make rules consistent with this Regulation, and with any rules made under this Regulation by the Chief Commissioner, as to—

Power of Boards to make rules.

- (a) The time and place of its meeting ;
- (b) The conduct of proceedings at meetings and the adjournment of meetings ;
- (c) The division of duties among the members of the board, and the powers to be exercised by members to whom particular duties have been assigned ;
- (d) The persons by whom receipts may be granted on behalf of the board for money paid under this Regulation ; and
- (e) Other similar matters.

## [Rural Boards.

*Constitution of District Board.*

## CHIEF COMMISSIONER'S NOTIFICATIONS.

[a] No. 926-586—*Dated Abu, the 10th August 1888.*

Under section 11 of the Ajmere Rural Boards Regulation VI of 1886, the Chief Commissioner is pleased to appoint the 1st day of December 1888 as the date on which the District and Local Boards shall come into existence.

[b] No. 379—586-II.—*Dated Abu, the 20th April 1892.*

In supersession of all previous orders on the subject, so far as they may be inconsistent with this Notification, and in exercise of the powers conferred on him by Section 3 of the Ajmere Rural Boards Regulation, 1886, the Chief Commissioner is pleased to direct that the Local Boards of the Sub-Districts of Ajmere and Merwara shall cease to exist from the 1st of July 1892. The District Board of Ajmere-Merwara shall, as at present composed, consist of forty members, but at the time of the next re-organization, the Board shall be constituted as under:—

Tazimi Istimrardars	...	...	...	...	15
Members to be nominated by the Chief Commissioner	...				9
Members to be elected for Ajmere as provided below	...				6
Members to be elected for Merwara as provided below	...				10
TOTAL					40

(a) In Ajmere the following persons shall be entitled to elect members for the District Board:—

I.—Muafidars holding individually more than 200 bighas of *muafi* land.

II.—Bhumias holding individually more than 400 bighas of *bhum* land.

[a] See *Gazette of India*, part II for 1888, page 377. The Local Boards ceased to exist from 1st July 1892; see Notification No. 379-586 II, dated 20th April 1892, which follows.

[b] Vide *Gazette of India*, part II for 1892, page 270.

## Rural Boards.]

### Regulation No. VI of 1336.

- (h) As to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (i) As to the returns, statements, and reports to be submitted by boards ;
- (j) As to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area ; and,
- (k) Generally, for the guidance of boards and officers of Government in all matters connected with the carrying out of this Regulation and for settling their relations to one another.

(2) The Chief Commissioner shall, before making any rules under this section, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(3) Every rule made under this section shall be published in such manner as the Chief Commissioner may, from time to time, prescribe in this behalf ; and such publication shall be conclusive evidence that the rule has been made as required by sub-section (2).

**23.** The District Board, and, with the previous sanction of the District Board, a Local Board, may, from time to time, make rules consistent with this Regulation, and with any rules made under this Regulation by the Chief Commissioner, as to—

Power of Boards to make rules.

- (a) The time and place of its meeting ;
- (b) The conduct of proceedings at meetings and the adjournment of meetings ;
- (c) The division of duties among the members of the board, and the powers to be exercised by members to whom particular duties have been assigned ;
- (d) The persons by whom receipts may be granted on behalf of the board for money paid under this Regulation ; and
- (e) Other similar matters.

## [Rural Boards.

*Constitution of District Board.*

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Members to be elected for Ajmere as provided below	...			...	6
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[a] See *Gazette of India*, part II for 1888, page 377. The Local Boards ceased to exist from 1st July 1892; see Notification No. 379-586 II, dated 20th April 1892, which follows.

[b] Vide *Gazette of India*, part II for 1892, page 270.



## Rural Boards.]

*Constitution of District Board.*

III.—Head Muafidars and Bhumias representing co-parcenary bodies of muafidars or bhumias holding jointly aggregate areas of more than 200 bighas of *muafi* land or more than 400 bighas of *bhum* land.

IV.—One lambardar in every village paying more than Rs. 50 as district cess.

V.—Government pensioners in receipt of monthly pensions of not less than Rs. 8.

VI.—Honorary Magistrates.

Provided that persons referred to in Clauses I, II, III and V actually reside in the khalsa portion of the Ajmere District, and those in Clause VI reside, own property, or carry on business in such portion.

VII.—Subject to the numerical restriction imposed by Rule II of the rules issued by the Chief Commissioner in May 1887, under Section 22 (1) of the Regulation, such other persons residing, or owning landed property, or carrying on trade or business in the district as the Magistrate of the district having regard to their wealth, or to their interest or influence in the district, may consider fit to act as electors.

VIII.—Jagirdars of the estates of—

Dargah Khwaja Sahib,  
Dargah Miran Sahib,  
Dargah Bara Pir Sahib,  
Morajhari,  
Nandla,  
Ghegal,  
Bainja,  
Bir,  
Diwanji,  
Mutwalli,  
Dilwara,  
Jharwasa,  
Baneori,

Ganahera and Dilwara,  
Nathdwara,  
Dudadhari,  
Pushkar,  
Nidla,  
Chawandia,  
Mangliawas,  
Kumar Baori,  
Gangwana,  
Urjanpura,  
Mir Inayatullah Shah,  
Hathikhera, and  
Rajgarh,

IX.—Istimrardars of—

Bohania,  
Richmalian,  
Mewaria,

Sethan,  
Manoharpur, and

## [Rural Boards.]

*Constitution of District Board.*

## X.—Minor Istimrardars of—

Karel,  
Rajosi,  
Ajisar,

Kharekri,  
Nousar, and  
Kotri.

(b) In Merwara the following persons shall be entitled to elect members for the District Board :—

I.—Muafidars holding individually more than 200 bighas of *muafi* land.

II.—Bhumias holding individually more than 400 bighas of *bhum* land.

III.—Head muafidars or bhumias representing co-parcenary bodies of muafidars or bhumias holding jointly aggregate areas of more than 200 bighas of *muafi* land or more than 400 bighas of *bhum* land.

IV.—One lambardar in every village paying more than Rs. 25 as district cess.

V.—Government pensioners in receipt of monthly pensions of not less than Rs. 8.

VI.—Honorary Magistrates.

Provided that persons referred to in Clause I, II, III and V actually reside in the district, and those in Clause VI reside, own property, or carry on business in the district.

VII.—Subject to the numerical restrictions imposed by rule II of the rules issued by the Chief Commissioner in May 1887, under Section 22 (1) of the Regulation, such other persons residing or owning landed property, or carrying on trade or business in the district as the Magistrate of the District, having regard to their wealth, or to their interest or influence in the district, may consider fit persons to act as electors.

## Rurals Boards.]

### Rules under Sec. 22, Sub-Sec. (1.)

#### RULES FRAMED BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA UNDER SECTION 22 (1) OF THE AJMERE RURAL BOARDS REGULATION, 1886.

#### NOTIFICATION.

[a] No. 613-586.—*Dated 28th May 1887.*

Under Section 22, sub-section (1) of the Ajmere Rural Boards Regulation 1886, the Chief Commissioner is pleased to frame the following rules:—

I. [Cancelled.] [b]

II. [c] The number of persons who may be chosen under Rule I (a) 5 to be electors for any local board shall be such number not exceeding one hundred or less than twenty-five as the Commissioner after consultation with the Magistrate of the district and with the approval of the Chief Commissioner may determine.

III. No person shall be eligible who

- (a) is not a sane male of the age of 21 years or upwards, or
- (b) is concerned in a contract relating to work paid for out of District Funds, or
- (c) is a paid servant in the employ of a District or Local Board, or
- (d) has been prescribed from Government employment, or
- (e) has been convicted of any offences, or subjected by a Court to any order, which implies in the opinion of the Chief Commissioner a defect of character unfitting him to be a member of the Board :

Provided that the Chief Commissioner may exempt any person or class of persons being paid servants of the Board from the restriction contained in clause (c) of this Rule.

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[a] *Gazette of India*, part II for 1887, page 341.

[b] The original Rule I was superseded by that published under Notification No. 1316-586, dated 27th October 1887 (*Gazette of India*, part II for 1887, page 617), which was superseded by No. 3218, dated 10th August 1888 (*Gazette of India*, part II for 1888, page 376.) This latter Notification has been superseded by Notification No. 379-586-II, dated 20th April 1892, printed *supra*, page 1387.

[c] See (a) VII and (b) VII of Notification No. 379-586-II, dated 20th April 1892, printed *supra*, page 1387.

**[Rural Boards.***Rules under Sec. 22, Sub-Sec. (1.)*

IV. As soon as may be after the publication of these Rules, the Magistrate of the district shall prepare and submit to the Commissioner a list of the persons qualified and chosen to be electors of the first local board of each sub-district, and that list shall come into operation as soon as it has been approved by the Commissioner, and shall continue in operation for a period of three years.

V. Three months at least before the date on which a list will cease to be in operation, the Magistrate of the district shall prepare a fresh list, and submit it to the Commissioner with a statement of his reasons for omitting therefrom any name which is included in the list then in operation, and the fresh list amended in such manner, as the Commissioner may direct, shall come into operation on the day following that on which the former list ceased to be in operation, and shall continue in operation for three years.

VI. The names in the lists prepared under Rules IV and V shall be serially arranged.

VII. The Magistrate of the district with the previous sanction of the Commissioner may from time to time, while a list is in operation, order the removal therefrom of the name of any person who refuses to act, or is convicted of any such offence, or subjected in the course of any judicial proceeding to any such order, as implies in his opinion a defect of character which unfits the person to be an elector.

VIII. When any person whose name is included in the list resigns or dies, or when the removal of the name of any such person has been ordered, the Magistrate of the district shall expunge his name from the list, and may, without reference to the Commissioner, substitute for it the name of any fit person who possesses the qualifications described in Rule I.

IX. No list, while it continues in operation, shall, except with the sanction of the Chief Commissioner, be subject to alteration otherwise than under Rules VII and VIII.

X. Notice of his name having been included in a list and of the time during which that list will continue in operation shall, as soon as the list comes into operation, or, if his name is substituted under Rule VIII, as soon as the substitution is made, be given in the following form to every person chosen to be an elector—

## Rural Boards.]

### *Rules under Sec. 22, Sub-Sec. (1.)*

" You are hereby informed that you have been chosen to be an elector of the Sub-District of \_\_\_\_\_, and that you will be entitled to vote at the election of members of the Local Board of that Sub-District till \_\_\_\_\_ "

*Dated the* \_\_\_\_\_ 189 . *Magistrate of District.*

XI. When under Rule VIII the Magistrate of the District orders the removal of the name of any person from a list, he shall cause notice of such removal to be served on that person.

XII. The election of members of a local board shall be held at such place within or without the Sub-District as the Magistrate of the district may think convenient.

XIII. (a) The election of members of the first Local Boards to be established in the Sub-Districts of Ajmere and Merwara shall take place on such dates as the Assistant Commissioners may, with the previous sanction of the Commissioner determine.

\* \* \* \*

XIV. One month at least before the day for the election, the Magistrate of the District shall cause each elector to be supplied—

- (1) with a list of the eligible candidates for his Sub-district, and
- (2) with a notice specifying the number of persons to be elected and the place at which, and the hours during which, the poll will be taken, and calling upon all electors to attend and vote at the time and place specified.

The notice and list shall also be fixed up in conspicuous places in the Sub-District for general information.

XV. The Magistrate of the District, or any other official authorized by him in this behalf, shall act as returning officer.

XVI. Votes shall be given at the time and place specified in the notice of election by electors in person by means of the voting papers furnished to them, each elector voting for the number of persons specified in the fourth column of his paper, and writing his name or causing it to be written in the list of electors against the names of the persons for whom he intends to vote.

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(a) This rule was substituted by Notification No. 925-586, dated 10th August 1888, for the original rule. See *Gazette of India*, part II. for 1888, page 376. But clause 2 of this rule was subsequently omitted under Notification No. 275-S, dated 22nd February 1891. See *Gazette of India* for 1891, part II, page 114.

[Rural Boards.

*Rules under Sec. 22, Sub-Sec. (1.)*

The voting-papers shall be in the following form:—

## " VOTING-PAPER.

1	2	3	4
Sub-district for which election is to be held.	Name and address of elector.	Serial number of elector in list.	No. of persons for whom elector may vote.

" (List of electors to be printed at length.)

"I vote for the persons in the above list against whose names my name is placed.

“(Signed).....

"or the mark of....."

XVII. Each elector shall sign the voting paper or affix his mark there-  
to in the presence of the returning officer.

XVIII. Any voting-paper which is not so signed or marked or on which votes are given to more persons than there are persons to be elected, shall be invalid.

XIX. When a person presents himself to vote, the returning officer shall satisfy himself that the person is an elector, and shall then place against his name in the copy of the list of electors a tick, which will denote that that elector has voted.

XX. The elector shall give his vote by placing his voting-paper in a receptacle hereinafter called the urn.

## Rural Boards.]

### *Rules under Sec. 22, Sub-Sec. (1.)*

XXI. Just before the commencement of the Poll, the returning officer shall show the urn empty to such persons as may be present at the Polling-place and shall then place it in his view, and keep it there till the close of the Poll.

XXII. At the close of the Poll, in the presence of such electors, if any, as may be in attendance, the returning officer shall—

- (a) Take the voting papers out of the urn and separate those, which he admits as valid from those, if any, which he deems invalid, endorsing on the latter the word "rejected" and the ground of rejection.
- (b) Count the valid votes given to each person, and prepare and certify a return setting forth—
  - (i) The number of electors who presented themselves to vote,
  - (ii) The names of the persons for whom valid votes were given,
  - (iii) The number of valid votes given for each person, and
  - (iv) The names of the persons (to the number of the persons to be elected) to whom most such votes were given ;
- (c) Seal up in separate packets the voting papers which he has admitted as valid and those which he has rejected as invalid, and endorse on each packet a description of its contents and the date of the election to which it relates and the name of the Sub-District for which the election was held ; and
- (d) Permit any person for whom votes have been given to take a copy of, or an extract from, the return.

XXIII. The returning officer shall then forward the return and the packets of voting papers to the Magistrate of the District, who shall record a declaration of the result of the election and cause notice of his election to be given to each person elected.

XXIV. (1). The Magistrate of the District shall retain for a year the return and the packets of voting papers forwarded to him by the returning officer, and shall then, unless there appear to him any reason for retaining them for a further period, cause them to be destroyed in his presence.

## [Rural Boards.]

*Rules under Sec. 22, Sub-Sec. (1.)*

2). While the return is in the custody of the Magistrate of the District, it shall be open to the inspection of any elector during office hours free of charge.

(3). While the packets are in the custody of the Magistrate of the District, they shall not be opened, and their contents shall not be inspected, except under his written order and on such conditions as he may deem fit to impose.

XXV. Where an equality of votes is found to exist between any persons and the addition of a vote would entitle any of those persons to be declared to be elected, the returning officer may give such additional vote in writing, but shall not in any other case be entitled to vote at an election for which he is returning officer.

XXVI. If a person be elected for more than one Sub-District, the District Magistrate of Ajmere shall decide of which local board he shall be a member; and in the other Sub-District, or each of the other Sub-Districts, as the case may be, the person not returned as elected, to whom the largest number of votes was given, shall be deemed to have been elected.

XXVII. The returning officer, while examining the voting papers and counting the votes, shall take all proper precautions for preventing any person from seeing the names of the electors by whom the voting papers were severally signed or marked.

XXVIII. Each local board shall elect from among its own members so many persons to be members of the District Board as the Chief Commissioner has assigned as proper for its representation on that board.

XXIX.—[1] (a.) The Tazimi Istimrardars are permanent members of the District Board and of the Ajmere Local Board, and can be removed or replaced only by order of the Chief Commissioner. Minor Tazimi Istimrardars shall be represented on the Board by the Manager of the Court of Wards.

(b.)—Elected and nominated members of Local and District Boards shall retire at the end of every third year.

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[1] Rule XXIX was substituted for the original Rule XXIX by Notification No. 275 S., dated 22nd February 1891, *Gazette of India*, part II for 1891, page 111.



## Rural Boards.]

### *Rules under Sec. 22, Sub-Sec. (1.)*

(c.)—The election of persons to fill the places of the elected members thus retiring shall be held on such day in the month of November, of every third year, as the Magistrate of the District may determine.

(d.)—The District Magistrate shall submit to the Chief Commissioner through the Commissioner, proposals for filling up the vacancies caused by the retirement of nominated members.

XXX. Casual vacancies occurring within the term of 3 years shall be filled by persons nominated by the Local or District Board.

XXXI. When the place of an elected member of a Local or District Board becomes vacant by his resignation, removal or death, or by the avoidance of his election or by his refusal to accept office, it shall, unless in any case the Chief Commissioner direct that it be left unfilled, be filled by the Local or District Board at a meeting out of qualified persons within six weeks after the occurrence of the vacancy or within such further period as the District Magistrate may by order allow.

XXXII. The meeting may be either ordinary or special, but if it be proposed to fill the place at an ordinary meeting, the notice to attend the meeting shall state particulars as to the vacancy which has occurred and the intention of filling it at the meeting.

XXXIII. All business in either Local or District Boards shall be conducted in either the Urdu or Hindi language as the District Board may at a special meeting decide.

XXXIV. Every meeting shall be open to the public, unless at any meeting the chairman order otherwise.

XXXV. The chairman of the meeting shall regulate the course of all business to be brought forward and preserve order.

XXXVI. Every motion or amendment shall be presented or taken down in writing.

XXXVII. The chairman may require that any motion or amendment proposed shall be seconded before it is discussed.

## [Rural Boards.]

*Rules under Sec. 22, Sub-Sec. (1.)*

XXXVIII. In proposing or discussing any motion or amendment, the member shall speak from his place and address the chairman.

XXXIX. All questions from one member to another relating to the business of the meeting shall be put through the chairman.

XL. All questions shall be determined by a majority of votes. The chairman or in his absence the vice-chairman shall have a casting vote.

XLI. The chairman may, by consent of the meeting adjourn any meeting from time to time.

XLII. The District Board shall meet at least 4 times in a year, and no interval exceeding 4 months shall be allowed to elapse between two successive meetings.

XLIII. Every Local Board shall meet at least 8 times in a year, and no interval exceeding two months shall be allowed to elapse between two successive meetings.

XLIV. The time for holding meetings of Local Boards shall be so fixed as to render it generally convenient for such members of the said boards as are also members of the District Board to attend those meetings as well as the ordinary meetings of the District Board, and the time for holding meetings of the District Board shall, as far as possible, be so fixed as not to preclude members from attending those meetings as well as the meetings of the Local Boards of which they are members.

XLV. Meetings may be either special or ordinary.

XLVI. Special meetings shall be held—

- (1) For taking into consideration the appointment of chairman of District or Local Board.
- (2) For taking into consideration Budget Estimates of Income and Expenditure.
- (3) For taking into consideration annual report of operations, and ~~such~~ other matters as may be reserved for determination at ~~such~~ meeting by the Board.

## Rural Boards.]

### Rules under Sec. 22, Sub-Sec. (1.)

XLVII. Seven days at least before an ordinary or a special meeting of a Local or District Board, a notice to attend the meeting signed by the Secretary, or in his absence by the chairman or a member, and setting forth the place, the day and the hour of the meeting and the business proposed to be transacted thereat shall be served on every member of the Board.

XLVIII. The chairman may call an extraordinary meeting at any time when adequate necessity for so doing seems to have arisen, and shall do so when one-third of the Board require him to call such a meeting.

XLIX. The quorum necessary for the transaction of the business of a Local or District Board shall be one-third of the elected members at an ordinary, and two-thirds at a special meeting.

L. [1] Tazimi Istimrardars may depute one of their subordinate Thakurs or one of their own family, to attend in their stead at meetings of the Local or District Board, but shall themselves attend in person at least one meeting during the year. Such delegates shall be appointed for a period of not less than one year, and their appointment shall be subject to the approval of the Commissioner, who may allow it to be cancelled at any time.

LI. Each Local Board shall elect (subject to the confirmation of the Commissioner) one of its members to be its chairman, provided that, if the majority of the Board so desire, they may apply to the Commissioner for the Tehsildar or Deputy Magistrate to be appointed chairman; on such appointment being sanctioned the chairman shall become a member of the Board.

LII. The vice-chairman of Local and District Boards shall be elected under the procedure laid down in Rules XXXI and XXXII by the members of the respective boards.

LIII. The District Magistrate of Ajmere shall be *ex-officio* member and chairman of the District Board.

LIV. The chairman of a Local Board shall hold office for two years, or till retirement as a member, but shall be eligible for re-election or re-appoint-

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[1] The original Rule L was cancelled by Notification No. 925-586, dated 10th August 1888, and this rule was inserted by Notification No. 220-II, dated 28th January 1890, *vide Gazette of India*, part II for 1890, page 68.

## [Rural Boards.]

*Rules under Sec. 22, Sub-Sec. (1.)*

ment, provided that no chairman shall be chosen for retirement by lot at the end of the first year after the constitution of Local and District Boards.

LV. The vice-chairman of a Local or District Board shall hold office for one year, but shall be eligible for re-election or re-appointment.

LVI. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question. In case of an equal division of votes the chairman shall have a second or casting vote.

LVII. Every District and Local Board shall appoint its own Secretary subject to the confirmation of the Commissioner.

LVIII. The District Board and, with the previous sanction of the District Board, every Local Board may from time to time appoint out of its own body for any period not exceeding one year, such and so many committees either of a special or general nature and consisting of such and so many persons as it thinks fit for the cognizance of matters which, in the opinion of the board would be better regulated and managed by means of such committees.

LIX. The board shall define the duties of every such committee, and may at any time dissolve any such committee.

LX. The proceedings of every such committee shall be submitted to the board for its approval.

LXI. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose, and shall be signed by the chairman of the same at the next ensuing meeting.

A chairman of a Local Board shall be responsible that the minutes of that board's proceedings at any meeting are produced at the next meeting of the District Board.

LXII. The District Board shall determine the language in which minutes of proceedings shall be recorded by itself and by the Local Boards subordinate to it.

LXIII. Copies of minutes of proceedings of District Boards shall be submitted to the Commissioner for transmission to the Chief Commissioner.

## Rural Boards.]

### *Rules under Sec. 22, Sub-Sec. (1.)*

LXIV. Contracts entered into by a District Board or by a Local Board as the Agent and subject so the control of the District Board shall be reduced to writing and the provisions of the Stamp and Registration Acts shall be complied with.

LXV. Written contracts shall be signed on behalf of a District or Local Board by the chairman and by two members.

LXVI. Whenever a District Board desires to transfer by sale or otherwise any property belonging to or vested in itself, a report with a map or other general description, shall be submitted by the chairman to the Commissioner, and information shall be given on the following points:—

- (a) If the property belongs to the board, the funds by which it was acquired ;
- (b) If the property is vested in the board, the date and purpose of such investment and the conditions under which it holds good ;
- (c) The reason for the proposed transfer ; and
- (d) Proposals for dealing with the consideration to be received for such transfer.

LXVII. No such transfer shall be made without the sanction of the Chief Commissioner, provided that leases for any period not exceeding one year may be granted with the sanction of the Commissioner.

LXVIII. The District Board shall disburse, under the countersignature of the chairman, or, in his absence, of the vice-chairman and two members,—

- (1) The salaries of all fixed establishments.
- (2) Contingent charges duly passed by the board.
- (3) Other expenditure (except for public works) sanctioned by the District Board.

LXIX. All cheques, except those drawn on account of establishment charges, shall bear on their face the number and date of the Board's Resolution authorizing the disbursement to which they relate.

## [Rural Boards..

*Rules under Sec. 22, Sub-Sec. (1.)*

LXX. All plans and estimates for works which are to be partly or wholly constructed at the expense of a board shall be prepared, on the requisition of the District board, by the Executive Engineer, Provincial Division, and shall be sanctioned in conformity to rules sanctioned in Chief Commissioner's Resolution No. 1526 S., dated 7th June 1884.

LXXI. The District Board shall keep an account of receipts and expenditure in Forms B, D and E, accompanying these Rules.

LXXII. The accounts shall be audited quarterly either by a Sub-Committee or by other auditors nominated by the board subject to the approval of the Commissioner.

LXXIII. The Boards may by Resolution fix the remuneration, if any, to be paid to the auditors.

LXXIV. A statement of the accounts as audited and passed shall be submitted to the Commissioner.

LXXV. All proposals or suggestions for works, establishments, etc., shall be submitted by members not later than the 1st September to allow of the preparation of the budget by 15th October at latest.

LXXVI. The estimates of the income and expenditure shall be prepared by the District Board and considered at a meeting to be held on or before the 10th September in each year.

LXXVII. The budget estimates will be drawn up in such form as may be prescribed by the Chief Commissioner and forwarded to the Commissioner for submission to the Chief Commissioner.

LXXVIII. On no account shall the total amount of the budget grant under the several heads be exceeded by the Board, but it will be in the power of the District Board to transfer money under the same major head of account from one sub-head to another.

LXXIX. The Board shall prepare and submit through the Commissioner at the close of the financial year a consolidated report of its proceedings.

**Rural Boards.]***Rules under Sec. 22, Sub-Sec. (1.)*

- (a) A statement of income and expenditure during the year.
- (b) A statement of all institutions and establishments kept up by the Board, showing under each Department the various classes and the total number under each class.
- (c) An account of the operations of the year, dealing with the charges of each department separately under the recognized heads, and showing what has been done for the outlay under each head.
- (d) General remarks on the working of the Board, on progress up to date, and any suggestions for new measures or for the improvement of existing arrangements.

LXXX. The Executive Engineer, Provincial Division, shall submit to the District Board a monthly Progress Report of all Public Works under his control.

LXXXI. A general Progress Report for all Departments under local control shall be submitted monthly to the Commissioner by the officer who held the position of Secretary at the last ordinary meeting, and a record of these Reports shall be kept in a separate volume.

LXXXII. Funds raised within the area of a Sub-District shall ordinarily be appropriated to the purposes of that area, but they may be in part appropriated to the general purposes of the District, in accordance with the provisions of the budget as approved by the Commissioner.

LXXXIII. A Municipal or Cantonment Committee may from time to time depute any member or members to attend a District Board for the purpose of making any special representations. Such delegates will not be entitled to vote.

LXXXIV. The Rules regarding expenditure by the Public Works Department sanctioned in Chief Commissioner's Resolution No. 1526 S, dated 7th June 1884, shall apply to the District Board and Local Boards.

FORM B.

*Cash-book of Receipts and Expenditure of the* \_\_\_\_\_ *Board*  
*for the month of* \_\_\_\_\_ *18* .

[illegible]





District Board, for the month of \_\_\_\_\_ 18

Date of payment.	Number of cheques.
<b>EDUCATION.</b>	
Pay of Deputy Inspector and establishment.	
Contingencies.	
Pay of school establish- ment	
Contingencies.	
Scholarships.	
Prizes.	
<b>MEDICAL.</b>	
Pay of vaccine establish- ment	
Pay of hospital establish- ment.	
Hospital contingencies.	
Pay of village police.	
Daily total.	



E.

District Board, for the month of \_\_\_\_\_ 18 .

Number of vouchers.	Heads of expenditure.	AMOUNT.				Sanctioned budget grant	REMARKS.
		For the current month.	From 1st April to date.				
	<i>Education.</i>						
	Inspection ... { Salary of Deputy Inspectors and establishment for Travelling allowance ... Contingencies as per detail in the margin (a) ...						(a) Office rent. Country stationery. Service postage stamps. Contingencies.
	Schools, high... { Salary of establishment for Scholarships... Prizes ... Contingencies as per details in the margin (b) ...						(b) House-rent. Books and apparatus. Country stationery. Other items.
	Schools, middle { Salary of tahsil and pargana school teachers, &c., for Scholarships ... Prizes ... Contingencies as per details in the margin (c) ...						(c) As underschools, high. House-rent. Country stationery.
	Schools, low ... { Salary of teachers, &c., for Scholarships ... Prizes ... Contingencies as per details in the margin (d) ...						(d) As underschools, high.
	Total ...						
	<i>Medical.</i>						
	Pay of vaccine establishment for ...						
	Pay of hospital establishment for ...						
	Contingencies as per details in the margin (e) ...						(e) Diet of patients, cost of clothing, country medicine, and instruments.
	District sanitation ...						Travelling allowance for visiting branch dispensaries: other hospital contingencies.
	<i>Police.</i>						
	Pay of village watchmen for ...						
	Total expenditure ...						
	Payments into the Treasury ...						
	GRAND TOTAL ...						

## Rural Boards.]

### *Rules under Sec. 23.*

RULES FRAMED UNDER SECTION 23 OF THE AJMERE RURAL BOARD REGULATION, 1886, AS TO THE BUSINESS AND AFFAIRS OF DISTRICT BOARD, AJMERE, AND LOCAL BOARDS, AJMERE & MERWARA.

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#### CLAUSE—(a.)

##### *Time and Place of Meeting.*

1. Subject to the provisions of Rule 42 of the rules framed by the Chief Commissioner, Ajmere-Merwara, under Section 22 (1) of the Ajmere Rural Board Regulation 1886, Ordinary Meetings of the District Board shall be held at such time and place as the Chairman shall direct, on the following days, *viz.*, some day in the first week of the months of January, April, July and October. Ordinary Meetings of the Local Boards, Ajmere and Merwara, shall be held similarly at Ajmere and Beawar on some day in the second week of January, May and September, third week of February, June and October, and fourth week of March, July and November, or on such other days as the Chairmen may fix in this behalf.

2. Members desiring to bring forward any proposals before the District Board should submit the same to the Secretary of the Board three weeks before the date of the meeting, to be included in the agenda of the next meeting of the Board. No proposals can be discussed after the agenda paper for a meeting has been made out.

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#### CLAUSE—(b.)

##### *The Conduct of Proceedings at time of Meeting and the Adjournment of Meetings.*

3. At every meeting of the District Board the chairman and in his absence the Vice-Chairman shall preside. If both the Chairman and Vice-Chairman are absent, the meeting shall elect one of their number as Chairman of the meeting.

4. An abstract of the business to be disposed of at the Meeting shall be prepared by the Secretary to the Board, and its contents shall be read out to the members present previous to the commencement of discussion.

## [Rural Boards.]

*Rules under Sec. 23.*

5. Proposals other than those referred to in rule 4 shall not be discussed, except with the permission of the Chairman presiding at the Meeting.

6. No subject on which the Board has recorded a Resolution shall be re-opened within three months from the date of such Resolution, except,

- (1) Upon the written request of at least five Members, and
- (2) With the permission of the Chairman.

7. At an ordinary Meeting the course of business shall, unless the Chairman rule otherwise, be as follows:—

- (a)—The resolutions passed at the last Meeting shall be read.
- (b)—The Secretary shall present and read the general progress report.
- (c)—The account of the past quarter shall be presented for the purpose of being passed.
- (d)—Communications from the Local Government and Officers of that Government and reports of Committees and Members shall be read and considered.
- (e)—Proposals of which notice has been given in the notice to attend the Meeting, shall be discussed.
- (f)—The minutes of the proceedings of the Local Boards shall be produced.
- (g)—Proposals of which no notice has been given in the notice to attend the Meeting shall, with the consent of the Chairman, be discussed.

8. (1) Unless a poll is demanded by any member present at a Meeting, a declaration made at the meeting by the Chairman that a Resolution has been passed shall be sufficient warrant for the making of an entry to that effect in the book kept under Section 61 of the rules passed by the Chief Commissioner, Ajmere-Merwara, under Section 22-(1) of the Ajmere Rural Board Regulation, 1886.

(2) If a poll is demanded by any Member present it shall be taken by a show of hands, and the result of such poll shall be deemed to be the Resolution of the Board at the meeting.

## Rural Boards.]

Rules under Sec. 23.

CLAUSE—(c.)

*The division of duties among the Members of the Board and powers to be exercised by Members to whom particular duties have been assigned.*

9. The District Board shall nominate a Standing Sub-Committee of Finance consisting of five Members. Sub-Committees consisting of three or more Members may be appointed to supervise, enquire into, or report upon any matter which may be entrusted to them.

10. Every Sub-Committee shall exercise a general supervision in respect of the matter placed under its control, and shall report upon questions connected therewith, either on its own motion, or on a reference made to it by the District Board.

11. Such reports shall be submitted in writing through the Secretary for the consideration of the Board at its next meeting.

12. Papers, institutions, and works connected with any matter placed under the control of a Sub-Committee shall be open to the inspection of its members.

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CLAUSE—(d.)

*The persons by whom receipts may be granted on behalf of the Board for money paid under the Rural Board Regulation, 1886.*

13. Receipts may be granted on behalf of the District Board for money received by or on behalf of the District Board.

(a) By Chairman of the Board for all sums over Rs. 500.

(b) By the Secretary or Chairman of the Board for Rs. 500 and under,  
and

(c) By Tehsildars for all cesses collected by them.

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CLAUSE—(e.)

*Other similar matters.*

14. The Secretary of the Board shall have the custody of the common seal. If the office of the Secretary be vacant the seal shall be kept by the Chairman.

## [Rural Boards.]

*Rules under Sec. 23.*

The common seal shall be affixed to the following documents:—

- (a) All deeds of sale and purchase executed by or on behalf of the District Board, whether relating to moveable or immoveable property.
- (b) All written contracts entered into by the District Board.
- (c) The records of the proceedings of the Board.
- (d) All cheques for payment issued under the authority of the Board.
- (e) All receipts for money granted under the authority of the Board.
- (f) All notices of meeting issued under Rule 47 of the rules framed by the Chief Commissioner, Ajmere-Merwara, under Section 22-(1), Ajmere Rural Board Regulation, 1886.
- (g) All other documents on which the Board or its Chairman may direct the affixture of seal.

15. The business of the meeting of the District and Local Boards shall be conducted in the Urdu language; but the minutes of the proceedings shall be recorded in English.

16. The Civil Charges under the heads:—

Education,	Arboriculture,
Public Health,	and
Communication,	Miscellaneous,

shall be under the control of the Local Boards throughout their respective jurisdiction. Alteration in existing charges shall be subject to the sanction of the District Board.

17. The District Board through its Chairman, may from time to time, place such funds at the disposal of the Local Boards, as it thinks fit, for expenditure under the heads specified in rule 16.

18. Local Boards shall be put in funds by cheque drawn by the Chairman, District Board, on application of the Local Boards.

19. Chairmen Local Boards shall be provided with permanent advances of Rs. 100 each. This permanent advance shall be recouped as required, by submitting bills with vouchers of the amount expended.



## Rural Boards.]

### *Rules under Sec. 23.*

20. Only small items under Rs. 20 shall be paid from the permanent advance, other larger items shall be separately applied for and paid by cheque by the Chairman of the District Board.

21. Advances shall not be given on account of each separate work ; this shall be arranged for out of the permanent advance by the Chairman of the Local Board. Where a large advance is required by a contractor this shall be made to the contractor on proper security.

22. The office of each Local Board shall be separate and shall keep up a cash book and ledgers, and at the close of each month shall send a copy of the entries in these books to the District Office, where they shall be checked and filed.

23. The accounts and records of each Local Board shall be examined half-yearly, on 1st January and 1st July, by a Sub-Committee of the District Board.

24. The sanction of the District Board shall be required for the entertainment, alteration of pay, and dismissal of Establishment of the Local Board.

25. All monthly bills shall be submitted to the Chairman District Board for payment.

26. In cases of emergent nature the Chairman of the District Board shall have power to sanction an expenditure not exceeding Rs. 250, in anticipation of the sanction of the District Board, reporting his action at the next meeting.

27. The Chairman of the District Board shall have authority to appoint or dismiss any officer or servant of the Board whose salary is less than Rs. 20 per mensem, subject to the approval of the Board.

28. The Chairman of the District Board shall have power to suspend any officer or servant of the Board, subject to report of the circumstances of the case at the next meeting of the Board.

29. Casual leave for a period not exceeding ten days may be granted with or without pay, with or without the appointment of a substitute to any officer or servant of the Board by the Chairman. Leave for longer period must be granted only in accordance with the rule prescribed in the Civil

**[Rural Boards.***Rules under Sec. 23.*

Leave Code, and all applications for such leave must be submitted in writing to the Chairman for orders.

30. The Secretary shall be the channel of communication between the Local and District Boards.

31. The Executive Engineer, Civil Surgeon, and the Inspector of Schools, shall submit Budget Estimate of their respective departments to the District Board on the 1st August, sending copies thereof to the Ajmere and Merwara Local Boards. Each Local Board shall submit a Budget Estimate on the 1st September, with its suggestions and remarks thereon, to be incorporated in the District Board's Budget.

32. The Secretary Dispensary Branch of the District Board shall keep a separate account of income and expenditure, and shall, as heretofore, draw bills on account of pay of Establishment and contingencies under his own signature.

33. In all cases in which any difficulty in the realization of Dak Bungalow fees is apprehended the Khansaman should report the matter at once to the Magistrate, who should at his discretion direct the daily payment of fees on pain of immediate ejection from the Dak Bungalow premises.

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## Rural Boards.]

### *Staging Bungalow Rules.*

## STAGING BUNGALOW RULES, AJMERE-MERWARA.

SANCTIONED BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA, AND  
AGENT GOVERNOR-GENERAL, RAJPUTANA, IN HIS SECRETARY'S LETTER  
NO. 2587 S., DATED 20TH SEPTEMBER 1880.

Applicable to the Bungalows at Ajmere, Nasirabad, Kekri, Sethana, Mangliawas, Beawar, Jassakhera, and to the Pushkar Bungalow (except during the fairs time), and to half the Taragarh Bungalow.

1. All travellers, European or native can claim shelter for 24 hours in a Staging Bungalow, for which they will pay a fee of one rupee cash. Two rupees become due for 25 hours, three rupees for 49 hours' occupancy and so on.
2. If a traveller remains not more than 3 hours, a fee of eight annas only will be charged.
3. No charge will be made for children under fourteen years of age.
4. European servants travelling with ladies will be charged at half rates. Native servants will not be charged for, unless they occupy a separate room.
5. European or native servants travelling with children without their master or mistress will be charged at full rates.
6. Should it be necessary for want of accommodation for two or more persons to occupy the same room, half rates only will be charged.
7. Priority of arrival gives no exclusive right of occupancy to any traveller or party of travellers. When necessary, on account of the number of travellers, half the accommodation of the Bungalow will be allowed to ladies.
8. No person can claim shelter in a Staging Bungalow for more than twenty-four hours. After the expiration of that time he must leave if required to do so by other travellers. Travellers staying more than one week in the Bungalows at Ajmere, Nasirabad and Beawar will, after that time, be charged double rates [<sup>1</sup>].

[1] The latter portion of rule 8, *re.* levy of double rent after a week, has been cancelled so far as the Dak Bungalow of Beawar is concerned. See Secretary to Chief Commissioner's letter No. 85 C, dated 18th August 1892.

**[Rural Boards.]***Staging Bungalow Rules.*

9. Travellers are requested on arrival at a Staging Bungalow, to enter their names, and hour of arrival in the book, which will be brought to them for this purpose.

10. Travellers are requested on their departure to enter in the travellers' book the amount of the stated fees paid by them in accordance with these rules, noting the time of their departure.

11. Travellers pitching tents in the enclosure of a Staging Bungalow and not using the Bungalow, will pay one rupee a day for each encampment if the Bungalow is not full. If the Bungalow is full, they will only pay eight annas for their encampment, provided that travellers using the Bungalow and paying the regular fees, will not be charged for tents at all.

12. A fee of four annas a day is to be paid for every wheeled vehicle, palanquin, horse, mule or other animal used for riding, driving, and for every tent, box or other property which is left in the compound of a Staging Bungalow after the departure of the owner.

13. Every person who obtains accommodation at a Staging Bungalow must pay the prescribed fees, whether travelling on duty or not.

14. Where a Khidmatgar is maintained, he will prepare food for travellers, who should previously enquire his charges, and must pay what he demands. Any complaint of exorbitant charges will be promptly enquired into by the Secretary District Fund Committee. If such a complaint be substantiated, the Khidmatgar will be fined or otherwise punished. A complaint book is kept up at each Bungalow, which is periodically examined.

15. Travellers or their servants, losing, breaking or injuring any furniture or other property belonging to the Bungalow must pay for the damage done by them at the rates specified in a list kept by the servants in charge of the Bungalow.

16. Sweepers and Bhishtees receive only a retaining fee from the Committee, and travellers requiring their services must pay for the same.

17. One-half of the Taragarh Bungalow is retained for the use of people engaging it in advance from the Secretary of District Fund Committee for a term of ten days, at the rate of Rs. 1-8-0 per diem. It can be re-engaged for one further term of ten days only, if there is no prior applicant, or if a medical certificate is produced. The other half of the Bungalow is guided by the ordinary rules.

**Rural Boards.]***Toll Levied on Pushkar Road.***CHIEF COMMISSIONER'S NOTIFICATIONS.**No. 1137.—*Dated Abu, the 14th October 1889.*

In exercise of the power conferred by Section 3 of Act XV of 1864, the Chief Commissioner of Ajmere-Merwara is pleased to extend Act VIII of 1851 (an Act for enabling Government to levy tolls on Public Roads and Bridges), and Act XV of 1864 (an Act to amend Act VIII of 1851), as amended by Act VIII of 1888 (an Act to remove doubts as to the legality of the levy of certain tolls) to Ajmere and Merwara.

[1] No. 1138.—*Dated 14th October 1889.*

In exercise of the power conferred by Section 2 of Act VIII of 1851, the Chief Commissioner of Ajmere-Merwara is pleased to direct (1) that the rates of toll specified in the schedule annexed to this Notification shall be levied on the Pushkar Road during a period of twenty-five days, commencing ten days next before the first bathing day of each of the annual Kartiki fairs held at Pushkar, and (2) that the collection of the said tolls shall be made under the management of the District Board of Ajmere-Merwara, subject to the general control of the Commissioner of Ajmere-Merwara.

**SCHEDULE.**

On every ekka	...	...	...	1 anna.
On every country cart, including thelas	...	...	...	1 anna.
On every other vehicle, per wheel	...	...	...	6 pies.
On every camel	...	...	...	6 pies.
On every horse whether ridden or not	...	...	...	6 pies.
On every bullock	...	...	...	3 pies.
On every ass	...	...	...	3 pies.

N.B.—Animals drawing any vehicle for which toll can be demanded are not to be also charged with toll.

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[1] Published at page 562 of *Gazette of India*, Part II., dated 19th October 1889.

## NOTIFICATIONS.

[a] No. 193-J.—*Dated Simla, the 13th November 1878.*

Whereas His Highness the Maharaja of Jeypore, His Highness the Maharaja of Kishengarh, His Highness the Maharaja of Bhurtpore and His Highness the Maharao Raja of Ulwar have granted to the British Government full jurisdiction within those portions of land forming the Rajputana (State) Railway [including lands occupied as stations, out-buildings, and for other purposes connected with the Railway] which lie within their respective territories: In exercise of such jurisdiction and of the powers conferred by Sections 4 and 5 of Act XI of 1872 [The Foreign Jurisdiction and Extradition Act, 1872], the Governor-General in Council is pleased to notify as follows:—

The Inland Customs Act [b] [VIII of 1875] is hereby extended to all the aforesaid portions of land.

2. In exercise of the power conferred by Section 28 of the said Inland Customs Act, 1875, the Governor-General in Council is pleased to direct that no salt which at the date of this notification is or may afterwards be brought upon any of the aforesaid portions of land shall be moved, except—

(a) Salt covered by a pass showing that there has been paid to the Government in respect thereof a duty of Rupees 2-8 per maund of 3,200 tolas.

(b) Salt covered by a pass stating that such salt is free salt furnished under treaty to some Native Prince or Chief; or

(c) Salt booked through to some station of the said Railway east of the Customs line.

3. In calculating the amount of the duty above mentioned, fractions of quarter maunds shall be reckoned as quarter maunds.

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No. 199-J.—Whereas His Highness the Maharaja of Jeypore, His Highness the Maharaja of Kishengarh, His Highness the Maharaja of

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[a] *Gazette of India*, dated 16th November 1878, part I, page 662.

[b] Repealed by the Salt Act 1882.

Salt.]

Bhurtpore, His Highness the Maharao Raja of Ulwar, His Highness the Raja of Nabha, and His Highness the Nawab of Pataudi have granted to the British Government full jurisdiction within those portions of land forming the Rajputana (State) Railway [including lands occupied as stations, outbuildings, and for other purposes connected with the Railway] which lie within their respective territories : In exercise of such jurisdictions and of the powers conferred by Sections 4 and 5 of Act XI of 1872 [The Foreign Jurisdiction and Extradition Act, 1872], the Governor-General in Council is pleased to notify as follows :—

1. On all salt imported, whether before or after the date of this notification, into any of the aforesaid portions of land without payment of duty, and which after one month from the date of this notification and from the date of importation has not been moved in a manner permitted by Notification No. 193-J. of this date, a duty of Rupees 2-8 per maund of three thousand two hundred tolas shall be levied, and calculating the amount of such duty, fractions of quarter maunds shall be reckoned as quarter maunds.

2. When duty has become payable upon any salt under this notification and has not been paid, any officer empowered in this behalf by the Commissioner of Inland Customs may declare such salt to be forfeited to Her Majesty:

Provided that no such declaration shall be made in respect of any salt until the expiration of one fortnight after notice in writing of the intention to make such declaration has been served upon the owner or consignor of such salt, or where such owner or consignor cannot be found, after such notice has been posted at the place where such salt is stored, and if such salt was conveyed to such place as aforesaid by rail from another place within the aforesaid portions of land also at the place from which such salt was despatched.

3. Nothing herein contained shall be deemed to impose any duty on salt covered by a pass stating that such salt is free salt furnished under treaty to some Native Prince or Chief.

ORDER BY THE AGENT TO THE GOVERNOR-GENERAL IN RAJPUTANA  
AND CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

[a] No. 298.—*Dated Camp, Ajmere, the 21st November 1878.*

By order of His Excellency the Viceroy and Governor-General in Council it is hereby notified that the Government of India have taken possession of the salt sources at Kachor Rewasa in Jeypore, and at Didwana, Pachbhadra and in the Luni tract in Jodhpore, and that henceforth no salt will be available from any of the sources managed by the British Government except on payment of a duty of Rs. 2-8 per maund in addition to the cost price of the salt.

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ORDER BY THE AGENT GOVERNOR-GENERAL AND CHIEF COMMISSIONER  
IN THE P. W. D., RAJPUTANA.

[b] No. 2921-S.—*Dated Camp, Ajmere, the 27th November 1878.*

From 1st December 1878 no Octroi duty will be levied on salt, whether *Khari, Sambhar or Pachbhadra* imported within the limits of the Ajmere and Beawar Municipal Committees and within those of the Nusseerabad Cantonment, and the Octroi Schedules of the respective Committees will be corrected accordingly.

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FOREIGN DEPARTMENT.

NOTIFICATION.—JUDICIAL.

[c] No. 22-J.—*Dated Fort William, the 14th February 1879.*

Whereas His Highness the Maharaja of Jeypore, His Highness the Maharaja of Kishengarh, His Highness the Maharaja of Bhurtpore, His Highness the Maharao Raja of Ulwur, His Highness the Raja of Nabha, and His Highness the Nawab of Pataudi have granted to the British Government

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[a] Rajputana Official Gazette, dated 30th November 1878, page 268.

[b] Rajputana Official Gazette, dated 7th December 1878, page 275.

[c] *Gazette of India* of 15th February 1879, part I, page 3 (Rajputana Official Gazette of 22nd February 1879, page 35.)



Salt.]

full jurisdiction within those portions of land forming the Rajputana State Railway (including lands occupied as stations, out-buildings, and for other purposes connected with the Railway) which lie within their respective territories. In exercise of such jurisdiction, and of the power conferred by *Section 31 of Act VIII of 1875 (Inland Customs Act)*, the Governor-General in Council is pleased to invest all Traffic Managers, Assistant Traffic Managers, Station Masters, Assistant Station Masters and Goods Clerks, and also all Superintendents, Assistant Superintendents and Inspectors of Police on the said Rajputana State Railway, within the aforesaid portions of land, with all the powers of stoppage and seizure conferred on Customs Officers under the said Act.

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## GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

*Separate Revenue, &c.*  
Salt.

### NOTIFICATION.

[a] No. 1892.—*Simla, the 27th June 1884.*

The following rules made by the Governor-General in Council in exercise of the powers conferred by the Indian Salt Act, 1882, are published under section 29 of the said Act in supersession of those published with Notification No. 156, dated 30th June 1876, No. 1897, dated 25th July 1879, No. 111, dated 17th April 1880, No. 3755, dated 20th November 1880, and No. 1245, dated 19th March 1881.

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### *Preliminary.*

1. These rules are applicable to the territories mentioned in the 3rd clause of section 1 of the Act, with the following exception:—

(a) Such portion of the said territories as lies on the right bank of the Indus with the exception of the Kalabagh mines and an area of 10 miles round them.

(b) The Province of Sindh.

*Manufacture of Salt under License.*

2. No person who is not duly licensed in the manner hereinafter provided shall manufacture salt.

3. Any person wishing to manufacture salt shall apply for a license to the Salt Revenue Officer in charge of the division or circle in which it is desired to carry on the manufacture, who, subject to the general control of the Commissioner of Northern India Salt Revenue, shall grant or withhold it as he shall see fit.

4. Each such license shall contain the name of the person to whom it is given, and shall specify the limits within which such manufacture shall be carried on, and the places where the salt so manufactured shall be stored, and shall be subject to the following conditions:—

1st.—That the provisions of the Act and of all rules and subsidiary rules duly made under it shall be strictly observed by the licensee, his agents and servants.

2nd.—That none but good salt capable in the judgment of the Salt Revenue Officer in charge of the division or circle bearing the duty fixed from time to time by the Governor-General in Council under section 7 of the Act, shall be manufactured. All inferior salt shall be destroyed by being thrown back into the salt wells or pans in the presence of such officer.

3rd.—That no alteration shall be made in the pans, wells, or other plant of the salt-work as existing at the date of granting the license without written sanction from the Salt Revenue Officer in charge of the division or circle.

And shall be subject to such further conditions as the Commissioner may from time to time prescribe for the protection of the Government revenue.

5. The manufacture of salt and the storage and sale of the salt manufactured shall be carried on in conformity with the conditions of the license and of the subsidiary rules issued from time to time by the Commissioner, and under the supervision of the officers of the Salt Revenue Department.

Salt.]

6. Licenses may be cancelled by the Salt Revenue Officer in charge of the division or circle giving one month's notice, or on the application of the licensee.

In the case of cancelment of license for infringement of its conditions no notice shall be necessary.

7. Salt in store at any salt-work, a license to manufacture salt at which has been cancelled or withholden, shall be removed within six months of the date of such cancelment or withholding. The Assistant Commissioner may cause any salt which may remain in store at such salt-work after the expiry of such period of six months to be put up to auction and sold if the price offered be equal to the excise duty leviabie thereon. If the price bid be less than the excise duty leviabie thereon, the Assistant Commissioner may cause salt to be effectually destroyed.

8. Nothing in the foregoing rules shall apply to the manufacture of the salt by or on behalf of Government.

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*Protected areas, and possession, storage, and sale of salt within them.*

9. The area defined for the purposes of section 6, clause (c), of the Act, round each salt mine or salt-bed in the Panjab Mines Division shall extend to a distance of 10 miles from the boundary of each mine or bed on all sides, except that it shall not include any territory lying on the left bank of the river Jhelum.

The area defined for the purposes of section 6, clause (c), round any other salt-work shall extend to a distance of two miles from the boundary of the salt-work on all sides.

The areas above defined are termed "protected areas."

10. No person shall possess any salt within a protected area unless accompanied by a pass, *rawannah* or certificate covering the same as provided in the following rules. This rule does not apply to the possession, on the right bank of the Indus, of gray salt, the produce of the Kohat and Bannu districts.

11. No salt shall be removed from the place of manufacture, or, after storage, from the place of storage, to any place in the salt-works in which it

[Salt.

has been manufactured except under a written pass from the Salt Revenue Officer in charge of the works, and all salt removed under such pass shall be weighed or estimated by measurement previous to such removal by the Salt-Revenue establishments.

12. No salt shall be removed from the salt-works unless covered by a *rawannah* certifying that duty at the rate fixed from time to time by the Governor-General in Council under section seven of the Act has been paid on it, or under the authority, in writing, of the Salt Revenue Officer in charge.

13. Except as in these rules otherwise provided, any person wishing to remove salt from the salt-works shall first pay the charges due thereon into such Government treasury or sub-treasury as may from time to time be appointed, and shall receive in return a receipt.

Fractions of quarter maunds shall be paid for as quarter maunds.

14. He shall present the receipt with a written requisition to the officer appointed by the Commissioner to receive it, and shall receive in lieu a *rawannah* for the salt, signed by the said officer and sealed in his presence.

15. The *rawannah* shall be current and valid for such period as the Commissioner may from time to time prescribe.

The period of currency shall count from the day on which the *rawannah* is delivered to the applicant, that day being included and being noted on the face of the *rawannah*.

16. Provided that when a *rawannah* is presented and the salt it covers is weighed and clearance given to the holder of the *rawannah* by the\* Inspector or Assistant Inspector more than seven days previous to the expiry of the period of the currency of the *rawannah*, such *rawannah* shall cease to be valid on the expiry of seven days from the date on which the salt has been weighed, unless the officer of the store by an order endorsed on it allows it to run for its full period or any portion thereof.

17. After the period of currency of a *rawannah* has elapsed, the *rawannah* shall cease to be valid, or of any effect whatever, unless the period be extended in the manner hereinafter provided.

18. The Commissioner may from time to time fix the minimum quantity of salt to be covered by a single *rawannah*.

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\* Now designated Superintendent and Assistant Superintendent.

Salt.]

19. The Commissioner may sanction an abatement for dryage of the salt not exceeding one per cent.

20. On a *rawannah* being presented and salt being issued thereunder, the Salt Revenue Officer concerned, before allowing such salt to leave his charge, shall ascertain that such *rawannah* is still in force and valid, and shall satisfy himself that the *rawannah* covers the amount of salt being issued, and shall then endorse the *rawannah* and return it to the trader or his agent, or to the carrier of the salt. The salt shall then be allowed to proceed to its destination.

21. When salt has been weighed and delivered to the holder of a *rawannah*, he shall remove it within 24 hours to a distance of at least one mile from the store, unless the officer in charge of the store, by an order endorsed on the *rawannah* permits him to keep it within a shorter distance.

22. If previous to utilisation of a *rawannah* any minor particulars in it require rectification, such as the description of carriage, owner's name, &c., application must be made for such rectification to the officer in charge of the depot or store before delivery of the salt is applied for.

23. If the despatch differs in minor particulars which have not been rectified in the manner prescribed in the preceding rule, the whole despatch shall be again liable to the payment of a fee not exceeding one-twentieth of the original duty, and shall on such payment be cleared, an entry being made on the *rawannah* that the payment has been levied as a penalty for infraction of rule, which infraction should be specified by the officer in his own handwriting.

24. If the officer suspect fraud, he may refuse to deliver the salt except under security equivalent to its full value, together with the duty leviable thereon, and shall refer the case for the orders of his superior officer.

25. If the owner of a *rawannah* desires to divide a despatch of salt covered by the *rawannah*, he shall apply to the officer who issued the *rawannah*, and the officer shall issue as many partition *rawannahs* as may be required, and cancel and resume the original *rawannah*.

26. If anything occurs to prevent the owner of a *rawannah* clearing the salt before the expiry of the period of currency of the *rawannah*, the officer who granted the *rawannah* may at his discretion, but subject to such restrictions as the Commissioner may, from time to time impose, renew such *rawannah* at any time not more than six months from the date of original issue. If application for renewal is made later than a week before the expiry of the original *rawannah*, it shall be complied with only on the applicant's paying a fee of one-twentieth of the duty originally paid.

The currency of the fresh *rawannah* shall not exceed that of the original *rawannah*.

27. Applications for renewal, except as provided in the preceding rule, shall be forwarded for the orders of the Commissioner, who may authorise such further renewals as he may deem fit.

28. When a *rawannah* is lost or destroyed previous to utilisation, the person to whom it was granted may make application to the officer who issued it for a duplicate, and with the application shall deposit with the officer an amount equivalent to the duty paid for the original *rawannah*, plus one-twentieth as a fee. The officer may thereupon grant a duplicate *rawannah*.

On the expiry of the currency of the original *rawannah*, if it has not been utilised, the duty so deposited shall be refunded.

29. The Commissioner may, if he sees fit, authorise the refund of the whole or any portion of a fee paid under rules 23, 26, and 28.

30. The deposit of salt for retail sale to the people inhabiting a protected area may, subject to any conditions prescribed by the Commissioner, be permitted at any place within the limits of the area approved by the Assistant Commissioner. The *rawannah* designed to cover such deposit shall be endorsed by the Assistant Commissioner for that purpose, and shall remain in force for a period not exceeding four months.

31. Every person retaining such salt under such a *rawannah* shall keep a register of sales daily written up, and shall give to each purchaser a certificate stating the date of sale, the name of such purchaser, and the quantity of salt purchased.

## Salt.]

32. A certificate given under the foregoing rule shall cover the salt sold under it while in the possession of the purchaser as if it were a *rawannah*.

33. When any salt is stopped for examination within a protected area by a Salt Revenue Officer, the *rawannah* covering the despatch shall be presented by the trader or his agent, or by the carrier of the salt, to such officer, who shall satisfy himself that it is a genuine document, and that its currency has not expired, and may, if necessary, proceed to weigh the despatch.

34. If on weighment of the salt it is found to exceed the quantity entered in the *rawannah*, the following practice shall be observed by the officer:—

(a) If the excess is not more than one per cent. he shall allow the salt to pass unquestioned:

(b) If the excess is more than one per cent. he shall detain the despatch, and report the matter without delay for the orders of his superior officer for such action as is necessary under the Act.

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*Importation from Rajputana and Central India and places trans-Indus.*

35. The transit of salt produced or manufactured in any Native State included in the Rajputana and Central India Agencies from any of the said States into any part of the British territory adjoining the same is prohibited, unless such salt is covered by a *rawannah* or pass granted by such officer as the Commissioner may appoint on his behalf, showing that it has paid duty to the British Government at the rate fixed from time to time by the Governor-General in Council under section 7 of the Act.

36. The transit of salt from the right to the left bank of the river Indus except such salt as is the produce of the Kalabagh mines, is prohibited.

36A. The importation, into any part of the territories to which these rules apply, of the salt known in Calcutta and other parts of the Lower Provinces of Bengal as "pakwa," being salt which has been obtained in the manufacture of saltpetre, and on which the duty for the time being imposed under section 7 of the Act has not been paid at the place where the salt was obtained, as on salt manufactured in the part of British India where that place is situated, is prohibited absolutely.

[Salt.

*Manufacture and refinement of saltpetre and the eduction of salt therefrom.*

37. No substance included under the term "saltpetre" in section 3 of the Act shall be manufactured or refined, and no salt shall be educed therefrom, except under and in accordance with the conditions of a license as hereinafter prescribed.

38. Applications for licenses shall be made to the Salt Revenue Officer in charge of the division or circle in which the works are situated, who may grant the application on receipt of the prescribed license fee.

39. No license shall be granted for the manufacture of crude saltpetre, or any of the other substances included under the term "saltpetre" in section 3 of the Act, unless the licensing officer is satisfied that the soil in the vicinity of the place of manufacture, and the soil from which the said crude saltpetre or other substance is to be produced, do not contain such a percentage of chloride of sodium as to render the manufacture a source of danger to the salt revenue, and unless the works are so situated that they can, without difficulty, be supervised by the Salt Revenue Department.

40. As a general rule no refinery shall be licensed until the parties applying for a license have satisfied the licensing officer that they are prepared to produce within the period of the license not less than two hundred maunds of refined saltpetre.

41. No refinery shall be licensed until the parties applying for a license have satisfied the licensing officer that the refinery buildings and premises are so constructed and surrounded by a wall as to afford full security for the levy of the duty on salt educed therein.

42. The following fees shall be levied in prepayment for licenses for each description of work :—

For the manufacture and refining of saltpetre, including the eduction of salt therefrom, Rs. 50.

For the manufacture of saltpetre—

In Behar ...	...	...	Rs. 0 4 0
Elsewhere ...	...	...	" 2 0 0



Salt.]

47. Every licensee shall produce his license for inspection when called upon to do so by any officer of the Salt Revenue Department not below the rank of \*Sub-Inspector or by any subordinate deputed by him for the purpose.

48. All licensed works and all premises connected therewith shall be open at all times by day or night to the inspection of any such officer or subordinate deputed by him for the purpose.

49. All diaries, registers, books of account, and the like connected with the business of licensed works shall at all times be open to the inspection of any such officer or of any subordinate deputed by him for the purpose.

50. All salt shall be daily weighed and placed in a bonded store-house under lock and key, which key shall remain in possession of the Salt Revenue Officer attached to the refinery.†

Subject to such directions as the Commissioner may give from time to time, it shall be at the discretion of the ‡ Inspector or § Sub-Inspector from time to time to cause such salt to be weighed in his presence and removed from the bonded store-house. The licensee shall, within twenty-four hours subsequent to such weighment and before the removal of the salt, pay the duty leviable thereon.

51. When salt has thus been weighed and the duty paid, it shall with all possible despatch be removed to a distance of more than one hundred yards from any part of the refinery premises, under a pass signed by the said Inspector or Sub-Inspector.

The pass shall be current for such period, not exceeding twenty-four hours, as may be deemed necessary for the removal of the salt.

A pass shall not be granted for a less quantity than twenty maunds, except for the purpose of emptying the store-house.

\* Now designated Inspector.

† The refiner now keeps the key, *vide* letter of the Government of India in the Department of Finance and Commerce, No. 1112, dated 9th March 1886.

‡ Now designated Superintendent.

§ Now designated Inspector.

52. Except as hereinbefore provided, or with the permission of the Assistant Commissioner of Salt Revenue, no person shall possess any salt at any place within the limits of or within one hundred yards from the nearest point of any saltpetre manufactory or refinery and its appurtenances.

53. If any licensee under the foregoing rules fails during the period of the license to carry on effective working at the place at which he is licensed to carry on the same, the licensing officer may suspend the license until the licensee is prepared to resume effective working there.

*Seizure, disposal or destruction of things liable to be seized or  
destroyed under the Act.*

54. In all cases in which illicitly manufactured salt or saltpetre is seized by any Salt Revenue Officer below the grade of \*Inspector, such officer shall at once proceed with the salt or saltpetre so seized, and any person concerned in the manufacture that he may have been able to arrest, and any independent witnesses to the seizure whose attendance he may be able to secure, to the nearest police post. The senior officer present at such police post shall receive from the seizing officer the salt or saltpetre so seized, and in the presence of witnesses and accused, shall, after weighing and recording the weight of each, take from each distinct kind or quality of salt or saltpetre seized (if there be more than one such kind or quality) two samples of not less than one tola each, which he shall seal with the official seal of the police station, and after numbering them deliver them to the officer who made the seizure, recording at the same time a note on the printed form of seizure which will be presented to him, specifying the total weight of each kind seized, according to the weighments made before him, and the corresponding numbers of the samples. The remainder of the salt or saltpetre shall be sealed up with the seal of the officer who made the seizure and of the police station, and shall remain in the malkhana or other secure place in such station till such time as a written order shall be sent by the \*Inspector of the circle either for the destruction of the articles seized, which shall be carried into effect by the officer presenting such request in the presence of some officer of the police station, and the same certified on the reverse of the order, or for the delivery of the same, or part thereof as the case may be, to the bearer of the order for production in Court.

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\* Now designated Superintendent.

Salt.]

55. When a seizure is made by an Inspector in person, he may either follow the foregoing procedure, deputing one of his subordinates present at the seizure to take the salt or saltpetre to the station and receive the samples, or he may himself on the spot take out and seal up the samples and the rest of the seized salt or saltpetre with his own official seal. He may then either take the salt or saltpetre seized with him to deposit where he considers it will be safest, or send it for deposit to the nearest or most accessible police station to be kept as in the previous case till further orders. If, however, the Inspector himself seals the salt or saltpetre, he must, in the event of the identity of the salt or saltpetre produced in Court being denied by the accused, be prepared to attend and prove the same in person.

56. When anything is seized and detained under the Act or the rules made under the Act, it shall not be released until all duty, penalties, and charges due on account thereof have been paid by the owner to the Salt Revenue Officer who is in possession of such thing.

If the thing is reported for confiscation, it shall not be released unless orders for the release are received from competent authority.

57. If an animal is so seized and detained, the owner shall provide for its due care and keep, in default of which the animal may be sold to defray charges.

58. If orders are received from competent authority for the release of anything seized and detained, and no duty or penalty is payable in respect of such thing, it shall at once be given up to the owner or his agent on his paying all charges incurred.

59. Should no one be present to receive the thing released, the Officer of Salt Revenue in charge shall do his best to give notice to the owner of the order of release, and shall cause a similar notice to be affixed on the office premises and at the Assistant Commissioner's office.

If within two calendar months from the date of the notice no person entitled to receive the thing claim it, and pay all charges incurred, it shall be sold, and the proceeds placed in deposit.

[Salt.

After a further period of three calendar months, the money shall be forfeited to Her Majesty.

60. If any duty is leviable or penalty is imposed by competent authority in respect of the thing seized, unless such duty or penalty, together with all charges incurred, be paid within three days of the receipt of the orders of competent authority for release subject to such payment, the thing shall be sold, and from the proceeds the duty, penalty, and charges shall be deducted, and the balance made over to the owner or his agent.

Should no one be present to receive the money, notice, as under rule 59, shall be given, the money being kept in deposit for three calendar months.

If not claimed within the period, it shall be forfeited to Her Majesty.

61. When orders are received from competent authority for the confiscation of anything seized and detained, it shall, with all convenient despatch, be sold or destroyed as the Assistant Commissioner of Salt Revenue may direct.

62. When a Magistrate orders the confiscation of works, materials, or implements under section 9 of the Act, they shall be sold or destroyed by dismantling or otherwise under the orders of the Assistant Commissioner of Salt Revenue.

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### *Appeals.*

63. Any person who may be dissatisfied with an order passed by the Inspector\* of a circle may appeal to the Assistant Commissioner of the Division, and any person dissatisfied with an order passed by an Assistant Commissioner may appeal to the Commissioner, whose decision shall be final.

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### *Subsidiary Rules and Forms.*

64. The Commissioner of Salt Revenue may make subsidiary rules and prescribe all forms necessary for the administration of the Act and these rules.

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\* Now designated Superintendent.

Salt.]

## ORDERS BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA.

[a] *Notification No. 765-332, dated Abu, the 6th July 1887.*

In exercise of the powers vested in him by section 30 of the Indian Salt Act, No. XII of 1882, the Chief Commissioner of Ajmere-Merwara is pleased to invest the Assistant Commissioners of Ajmere and Merwara with the powers of an Assistant Commissioner under the said Act, and the Tahsildars of Ajmere, Beawar and Todgarh and the Deputy Magistrate of Kekri with all the powers conferred by the said Act on a Salt Revenue Officer.

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATION.

ACCOUNTS AND FINANCE.Salt.[b] No. 343.—*Calcutta, the 19th January 1888.*

In exercise of the powers conferred by section 7 of the Indian Salt Act, 1882, and in supersession of Notifications by the Government of India in the Department of Finance and Commerce, No. 1449, dated 10th March 1882, and No. 751, dated 28th April 1882, the Governor-General in Council directs that, on and after the date of this Notification, the duty to be paid on salt manufactured in or imported by land into British India, shall be as follows:—

- (a) In the case of salt manufactured in or imported by land into Lower Burma, one rupee per each maund of 82½ pounds avoirdupois weight, and
- (b) In the case of salt manufactured in or imported by land into any other part in British India, except that portion of the territories administered by the Lieutenant-Governor of the Panjab which lies west of the river Indus, two rupees eight annas for each maund of 82½ pounds avoirdupois weight.

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[a] See *Gazette of India* for 1887, part II, page 435.

[b] See *Gazette of India* for 1888, part I, page 31.

## NORTHERN INDIA SALT REVENUE DEPARTMENT.

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 BOOK CIRCULAR NO. I.E. OF 1888.
 

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*Dated Agra, the 25th May 1888.*

In exercise of the powers conferred on him by rule 64 of Notification No. 1892, dated 27th June 1884, of the Government of India, Department of Finance and Commerce, the Commissioner of Northern India Salt Revenue makes the following subsidiary rules under rule 39 of the aforesaid Notification:—

1. No crude saltpetre works are to be allowed within enclosing walls or inside huts.
2. No walls may be erected which prevent the proper inspection of a cluster of works.
3. The boilers of a cluster of works must be placed as much as possible together.
4. No works are permissible on sites which cannot be inspected at all times.

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 ORDERS BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA.
 

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## NOTIFICATION.

[a] No.  $\frac{1449}{332}$  OF 1888.—*Dated Abu, the 26th December 1888.*

In exercise of the powers conferred on him by section 30 of the Indian Salt Act, 1882, the Chief Commissioner of Ajmere-Merwara is pleased to invest the Sub-Inspectors of Police in Ajmere-Merwara with all the powers conferred by the said Act on a Salt Revenue Officer.

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[a] See *Gazette of India* for 1889, part II, page 4.

Salt.]

## GOVERNMENT OF INDIA.

## DEPARTMENT OF FINANCE AND COMMERCE.

SEPARATE REVENUE.Salt.

## NOTIFICATION.

[a] No. 3883.—*Simla, the 26th July 1889.*

In exercise of the power conferred by section 28 of the Indian Salt Act, XII of 1882, and in supersession of the Notification in the Department of Revenue, Agriculture and Commerce, No. 257, dated the 6th October 1876, the Governor-General in Council is pleased to make the following rules for regulating the receipt from the public and the acceptance by the Assistant Commissioners of Salt Revenue at Sambhar, Pachbadra and Khewra, of indents for the supply of salt and its transmission by rail to the station named by the applicant.

## RULES.

I. The salt will be issued as uniform in quality as possible, but no selection will be allowed.

II. The applicant for salt shall either remit to the Assistant Commissioner in currency notes or by money order, or, if he prefers it, pay into any authorised Treasury or Sub-Treasury, the duty payable on the salt he requires, together with its price, the price including the cost of the salt and loading and all other charges. The duty and price shall be those payable at the rates respectively fixed and in force on the day when the remittance is received by the Assistant Commissioner, or payment is made at a Treasury or Sub-Treasury.

III. When payment is made into a Treasury or Sub-Treasury, the officer receiving the money will give the person tendering it a receipt, and will by the same day's post despatch the advice of the receipt to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied.

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[a] See *Gazette of India* for 1889, part I, page 422.

[Salt.

IV. Persons indenting for salt must transmit the Treasury receipt or currency notes or money order by post with the indent (forms of which are issued free of charge) in a registered cover to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied. Full particulars as to the destination of the salt and the person to whom it is to be consigned should be given, and the Assistant Commissioner after comparing the Treasury receipt with the advice from the receiving officer, or, in the case of a remittance, crediting the sum remitted, will as soon as possible cause the salt to be despatched, freight unpaid, to the consignee, sending him the railway receipt by post.

[a] IV A. The charges specified in rule II [together with a fee at the rate of 8 annas per hundred rupees upon the amount thereof] [b] may be paid and the indent required by rule IV may be delivered to the postmaster at any post-office which has been specially authorised by the Director-General of the Post-office of India to receive payments on account of salt revenue. When payment is made into a post-office under this rule, the postmaster will himself transmit the indent to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, advising him at the same time of receipt of the sum paid by the applicant for the salt.

V. The salt indented for will be weighed, filled into bags, and loaded into the railway waggons without any further charges than those specified in rule II.

VI. Persons indenting for salt must provide bags in sufficient number, and must see (1) that the bags are legibly and accurately marked and consigned to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, to whom also the railway receipt for the bags should be posted; (2) that all charges are fully paid on the bags; and (3) that they are sufficiently strong to hold the salt during the journey. When these conditions are not complied with, the Assistant Commissioner of Salt Revenue is empowered to refuse to fill the salt into the bags sent.

VII. The consignee will receive delivery of the consignment from the railway in the usual manner on payment of the railway freight and charges. It must be distinctly understood that the Government is responsible only for the due delivery of the salt to the railway, and that the railway receipt is a sufficient release to the Government for the quantity of salt consigned.

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[a] Rule 'IV A' was inserted by Notification No. 1308, dated 20th March 1890.

[b] The words in the bracket [ ] were inserted by Notification No. 2861, dated 11th July 1892.



Salt.]

## NORTHERN INDIA SALT REVENUE DEPARTMENT.

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 BOOK CIRCULAR No. IX-E OF 1891.
 

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*Dated Agra, the 5th October 1891.*

To

 ALL ASSISTANT COMMISSIONERS AND SUPERINTENDENTS  
 IN INDEPENDENT CHARGE.

WITH reference to sections 54, 20 and 20, respectively, of the Notifica-  
 tions noted in the margin, publishing the  
 No. 1892, dated 27th June 1884.<sup>h</sup> Rules made by the Governor-General in  
 „ 3207, dated 29th June 1889. Council under Act XII of 1882, the Com-  
 „ 6007, dated 29th November 1889. missioner of Northern India Salt Revenue directs that samples of illicitly  
 manufactured substances obtained by seizing officers shall each, when possible  
 be not less in quantity than two chittacks.

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[Stamps.

*General Rules.*

## STAMPS.

## CHIEF COMMISSIONER'S NOTIFICATION.

[a] No. 1332—*Dated the 27th December 1897.*

The following rules prescribed in the Resolution of the Government of India, in the Finance and Commerce Department, No. 1439-S.R, dated the 27th March 1895, for the custody, supply and sale of all kinds of stamps and stamped papers, in supersession of all previous rules on the subject, are published for general information. Those portions of the rules which apply to General and Court Fee Stamps are adopted and issued by the Chief Commissioner, Ajmere-Merwara, under the authority conferred on him by section 55 of the Indian Stamp Act of 1879 and section 27 of the Indian Court Fees Act of 1870.

## SEPARATE REVENUE DEPARTMENT.

## MISCELLANEOUS.

*Dated the 29th January 1897.*

*Rules for the custody, supply, and sale of stamps of all descriptions, namely, General Stamps used to denote the duties payable under the Stamp Act, 1879, Court Fee Stamps used to denote the fee payable under the Court Fees Act 1870, Telegraph Stamps and Postage Stamps.*

## CENTRAL DEPOTS.

1. There shall be three central depots for stamps of all descriptions in charge of the Superintendent of Stamps at Calcutta, Madras and Bombay respectively. These central depots shall maintain a stock of stamps sufficient for two years' consumption. The Superintendents of Stamps in Madras and Bombay shall, for this purpose, forward, not later than the last week in September in each year, indents for the supply of the various descriptions of

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[a] *Vide Gazette of India*, dated 1st January 1898, part II, page 6.

## Stamps.]

### *General Rules.*

stamps required in the following year for the territories dependent on them for the supply of stamps to the Superintendent of stamps, Calcutta. The Superintendent of Stamps, Calcutta, shall prepare a general consolidated indent for stamps of all descriptions, showing separately the demand for the following year for each of the three presidencies, including in it the indents of the superintendents of stamps, Madras and Bombay, and shall forward this general indent to the Government of India in the Finance Department for transmission to the Secretary of State, so as to reach him not later than the 1st November in each year. The Superintendent should forward a copy of the section of the general indent relating to Postage Stamps to the Director-General of the Post Office, and of the section relating to Telegraph stamps to the Director-General of Telegraphs.

2. Stamps for the Bengal Presidency, including the North-Western Provinces and Oudh, the Punjab, Central India, Rajputana, Assam and Burma, and Local depots subordinate to Calcutta, and stamps for copies for use in the Central Provinces, shall be supplied from the central depot, Calcutta, on the indent of officers in charge of local depots.

3. Stamps for the Madras Presidency, including Coorg and local depots subordinate to Madras, shall be supplied from the central depots at Madras on the indent of the officers in charge of local depots.

4. Stamps from the Bombay Presidency, including Sind, Berar, the Central Provinces (same as provided in rule 2) and local depots subordinate to Bombay shall be supplied from the central depot, Bombay, on the indent of officers in charge of local depots.

5. The Superintendents of Stamps, Calcutta, Madras and Bombay, on receiving an indent from a local depot, shall have the indent examined to ascertain that the indent is such as to ensure the local depot having a proper supply, and may comply with the indent in full or in part as he thinks fit. If he thinks that the indent should be increased, he should request the officer who submitted the indent to submit a supplementary indent. The Presidency Post Offices of Calcutta, Madras and Bombay may indent for supplies on the central depots.

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### LOCAL DEPOTS.

6. Every treasury throughout India, including those attached to political and salt agencies, shall be a local depot for the custody and sale of

## [Stamps.]

*General Rules.*

stamps of all descriptions. *Local Governments* may establish local depôts at places where there is no treasury.

7. Each local depôt shall, unless the Local Government otherwise directs, maintain a supply of stamps equal to the probable consumption of five months. Local Governments may direct that the supply to be maintained either generally or in respect of any particular kind of stamp or in certain local depôts, shall be equal to the probable consumption of such other period as they deem expedient.

8. As soon as the number of stamps in the local depôt falls below the number issued from the depôt in the preceding six months, the officer in charge of the depôt shall prepare an indent for a supply equal to the probable consumption of three months. The indent shall show in separate columns for each denomination of stamp of which a supply is required, the total of the balance in the local depôt and any branch \*depôt subordinate to it the quantity sold in the preceding six months, and the quantity indented for, which should be approximately one half of the quantity sold in the preceding six months. The period of "six months" and "three months" of this rule may like that of five months in rule 7 be altered by Local Governments to such other periods as they may deem expedient. This indent will be forwarded direct to the Superintendent of Stamps, Madras, Bombay or Calcutta, as the case may be, but the Local Government of any province may direct that the indents shall be forwarded through any other officer, such as the Superintendent of Stamps of the province, or that a copy of the indent shall be forwarded to such officer.

9. If the supply of stamps in any local depôt should run short before the receipt of the supply from the central depôt, the officer in charge of the local depôt should indent for a supply from a neighbouring depôt, sending a copy of the indent to the Superintendent or Commissioner of Stamps of the province, or such other officer as the Local Government may direct. It is the duty of the Superintendent of Stamps, Madras, Bombay or Calcutta, to report to the Local Government (or such authority as the Local Government may

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\*For branch depôts the figures of the latest periodical return received at the local depôt, showing details of stamp balances, may be used for the purpose of calculating the total required for entry in each column.

## Stamps.]

### *General Rules.*

direct) in the case of General and Court Fee Stamps, to the Director-General of the Post Office in the case of postage stamps, and to the Director-General of Telegraphs in the case of Telegraph stamps, any case in which it may come to his knowledge that the stock of stamps in any local depôt of any description has fallen below the prescribed amount.

10. As soon as possible after the arrival of a supply of stamps from the central depôt or from another local depôt, the officer in charge of the local depot shall have the boxes or packets opened in his presence, and the contents of each box or packet counted, either by himself or in his presence immediately on being opened. The number of stamps received shall be compared by the officer in charge with the submitted invoice, and a receipt shall be sent as soon as possible to the officer who despatched the stamps.

11. Local Governments may issue such orders as may be thought necessary regarding the detailed counting of stamps received in a local depôt, and as to the descriptions of stamps which the officer in charge must count with his own hands. Such orders may include instructions that a certain percentage only of sealed packets, marked as containing a certain number of stamps, need be opened and counted at the time of receipt, and the remainder, if the percentage opened are all found correct, left with seals unbroken to be counted as they are required on being given out from double lock. The officer in charge is responsible for observing any such instructions, and for satisfying himself as to the number of stamps received before signing the receipt.

12. If any of the stamps received are found to be unfit for issue, they should be at once returned to the Superintendent of Stamps. Stamps which are through any accident rendered unfit for issue at any time after receipt should be similarly returned to the Superintendent as soon as their unfitness is discovered. The necessary entries on account of stamps so returned should be made in the monthly statement (Rule 34) and in the *plus* and *minus* memoranda (Rule, 36).

13. Immediately after the stamps received have been counted they shall be placed in proper receptacles in the store under double lock, arranged in parcels or packets containing known quantities, the amount of each denomination being entered in a register maintained to show the receipts and issues to and from the store under double lock.

## [Stamps.]

*General Rules.*

14. The treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of all descriptions of stamps in each local dépôt. Sales to the public or to licensed vendors shall not be made direct from the stores under double lock, such sales being made by the *ex-officio* vendor from the supply entrusted to him for this purpose to be kept by him under single lock, as prescribed in the following rules.

15. The stock to be made over to the *ex-officio* vendor to be kept by him under single lock should ordinarily be sufficient for the probable demand of one month. On a fixed date near the beginning of each month the *ex-officio* vendor shall prepare an indent for the quantity required for the month in a form showing the balance in his hands and average month's consumption, and the quantity required. When this indent is approved by the officer in charge, who should examine the balance under single lock, and ascertain that the quantities shown agree with the quantities shown in the indent, he shall give out the quantity required from the store under double lock. The same procedure shall be followed if any stamps should be required at any intermediate date. Local Governments may reduce the period of one month mentioned in this rule to one week or any other period less than a month, if they consider this desirable with reference to the amount of the treasurer's security or for any other reason.

16. From the stock so made over to his charge and kept by him under single lock, the *ex-officio* vendor shall sell stamps to the public and to licensed vendors for cash. He shall keep in such language as the Local Government may direct, an account of the daily sales for each of the four descriptions of stamps in a form showing for each denomination the balance in his hand at the beginning of the day, the quantity sold during the day, and the balance in his hand at the end of the day. He shall pay daily into the treasury the cash received by him for stamps sold, the amount realized on account of each of the four descriptions of stamps namely, General, Court Fee, Postage and Telegraph being paid in separately. The account of daily sales should be inspected every day by the officer in charge of the dépôt.

17. The rules regulating the grant of discount and the grant of licenses to licensed vendors for the sale of General and Court Fee Stamps vary in different provinces, and are prescribed by Local Governments, subject to the general rule that no change in the rates of discounts shall be made without the previous sanction of the Governor-General in Council.

## Stamps.]

### *General Rules.*

18. Local Governments may direct that the sales to the public of General and Court Fee Stamps by *ex-officio* vendors shall be limited to stamps of a value higher than a named amount, the sales to the public of stamps of lower value being left to licensed vendors.

19. Telegraph stamps shall be sold to the public for cash by the *ex-officio* vendors, provided that the quantity of stamps sold to one person at one time shall not be less in value than Rs. 5, and that the quantity sold shall not include less than one rupee worth of any particular denomination. On such sales no discount is allowed.

20. Telegraph masters shall obtain supplies of telegraph stamps from the local depôts, subject to the same conditions in regard to the quantity supplied at one time as those of the preceding rule, and shall sell to the public, telegraph stamps of all descriptions and to any value. No discount is allowed to telegraph masters for the sale of stamps, but they are allowed permanent advances of telegraph stamps without payment, the amount of the permanent advance being fixed by the Director-General of Telegraphs. When the permanent advance of telegraph stamps has once been taken, subsequent issues to telegraph masters are made only on cash payment. But when the local depot is closed for holidays of more than one day's duration, officers in charge of local depôts are authorized to issue telegraph stamps to telegraph masters, without payment in excess of the value of the permanent advance, these temporary advances being adjusted when the treasury reopens, by the return of the stamps or the payment of their value if sold.

21. Service Postage Stamps shall be sold for cash from local depôts to Government officers and to persons specially authorized to purchase and use service stamps on a written application. On such sales no discount is allowed.

22. Ordinary postage stamps shall be sold to the public for cash from local depôts, provided that the value sold to any person at one time shall not be less than Rs. 5, and shall not include any fraction of a rupee, and that embossed envelopes and post cards shall be sold in complete packets only. No discount is allowed on such sales. Soldiers' envelopes are sold from certain selected local depôts only to commanding officers in complete packets, no discount being allowed.

## [Stamps.

*General Rules.*

23. The officer in charge of every post office, receiving office, tahsil, thana and police station, at which letters are received for despatch, and every person licensed, under the rules framed under the Stamp Act, 1879, to sell general stamps, are required to keep a supply of ordinary postage stamps for sale to the public sufficient for the probable demands of one week. To such persons ordinary postage stamps, except soldiers' envelopes, are sold from local depôts for cash on the same conditions as to quantity as those prescribed in the preceding rule, and on such sales discount at the rate of quarter of an anna in the rupee is allowed.

A special extra commission of  $\frac{1}{4}$  anna in the rupee has been sanctioned, with effect from 11th November 1892, on all sales of the large size registration envelope.

24. The officers in charge of post offices, receiving offices, tahsils, thanas and police stations at which letters are received for despatch, are also required to keep a supply of one anna Revenue stamps for sale to the public. To such officers one anna Revenue stamps are sold from local depot on the same conditions as to quantity as those prescribed in Rule 22. On such sales discount at the rate of one half anna in the rupee is allowed.

25. A District Officer may authorise the grant of discount at the rate of quarter of an anna in the rupee to any *bona fide* retail vendor of ordinary Postage stamps, provided he is not employed in a Government treasury. Such authority shall be in writing, and shall remain in force for one year. It may contain conditions in all or any of the following respects, namely the maintenance of a sufficient supply of stamps of all or any specified denominations of Postage stamps for retail sale; the sale of the stamps at one or more particular shops or places; and the prohibition of sales at other shops or places and the days and hours of sale. The District Officer shall keep a register showing the name, residence, and occupation of every person to whom he grants such authority.

26. Superintendents and Inspectors of Post offices within their respective jurisdictions, and any other officers of the post office authorised on that behalf by the Postmaster-General or Deputy Postmaster-General, are empowered to examine the stock of Postage stamps kept by any of the persons required or authorised to keep Postage stamps for sale to the public under rules 23 and 25.



## Stamps.]

### General Rules.

#### BRANCH DEPOTS.

27. Every subordinate, branch or tahsil treasury shall be a branch dépôt for the sale of stamps of all descriptions. But in any case where the sale of stamps from such a branch dépôt is insignificant and equal facilities exist for the supply of stamps from a dépôt in the same station as the branch dépôt the Local Government may direct the closing of the branch dépôt.

28. The sub-treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of stamps at a branch dépôt.

29. The officer in charge of the branch dépôt shall obtain his supplies from the local dépôt to which the branch dépôt is subordinate in the same manner as the *ex-officio* vendor at the local dépôt obtains his supplies, except that the indent and the stamps must be sent by post or messenger to and from the local dépôt; and that the examination of the balance in hand and the comparison of the amounts shown with those shown in the indent shall be done by the officer in charge of the branch dépôt.

In cases where there is likely to be a distinct saving of cost or greater security of the stamps in transit, the Local Government may empower the Board of Revenue or other superior Revenue authority, to sanction the despatch of stamps direct from the central dépôts to branch dépôts, such supplies being passed through the accounts of the local dépôt treated by the Superintendent of Stamps as supplies to the local dépôts to which the branch dépôt are subordinate.

The *ex-officio* vendor shall obtain his supplies from the officer in charge of the branch dépôt, in the same manner as the *ex-officio* vendor at the local dépôt obtains his supplies from the officer in charge.

30. The supply to be kept in a branch depot should be equal to the probable demand for three months; but Local Governments may direct that the supply shall be equal to the demand of any other period instead of three months which they may consider expedient. The stock should be kept up to this amount by indenting and obtaining supplies from the local dépôt from time to time as may be necessary.

31. Local Governments shall fix the period, a supply sufficient for which shall be kept under single lock by the *ex-officio* vendor, and the remainder

## [Stamps.]

*General Rules.*

the stamps in the branch depôt shall be kept under double lock of the officer in charge of the branch depôt and of the *ex-officio* vendor, and given out to single lock as required.

32. Sales from branch depôts will be made subject to the same rules as those from local depôts.

—————  
*Returns to and by the Superintendents of Stamps and Accountants-General.*

33. On the last open day of September and March each year, the officer in charge of each local depôt will count, or have counted in his presence, the stamps in the depôt, both those under double lock and those under single lock, and will require the officers in charge of the branch depôts subordinate to him similarly to count the stamps in the branch depôt. He will attach to the monthly statements for September and March rendered to the Superintendent of Stamps, Calcutta, Madras or Bombay, or in the pro-

\* The North Western Provinces and Oudh, Punjab, the Central Provinces and Berar in the case of Revenue adhesive stamps supplied to Berar from the Central depot at Madras. The monthly statement will continue to be submitted to the Superintendent of stamps, Madras.

vinces noted in the margin\* to the Local Superintendent or Commissioner of stamps or other officer named by the Local Government, a certificate in the following form:—

I do hereby certify that I have personally examined and counted, or had counted in my presence, the stamps of all descriptions in store in this local depôt on the  $\frac{\text{September}}{\text{March}}$  18 , and found the value of each description to be as

† General	..	...	Rs.
Court fee	..	...	"
Telegraph	..	...	"
Postage	..	...	"

stated in margin †. Also that I have received certificates from the officers in charge of the subordinate branch depôts that they have similarly counted the

stamps in the branch depôts on the last day of the month of  $\frac{\text{September}}{\text{March}}$  of which the accounts are incorporated in the Head Treasury accounts, and that these certificates show the value of each description of stamps to be as stated

‡ General	..	...	Rs.
Court fee	..	...	"
Telegraph	..	...	"
Postage	..	...	"

in margin ‡. The total value of stamps in this depôt and the branch depôts, as found by the above certified examination,

are therefore:—

NOTE.—In the case of *all* stamped envelopes or postal wrappers, the discount or commission is calculated on the face value of the stamp.

## Stamps.]

*General Rules.*

General	...	...	...	...	Rs.
Court fee (including stamps for copies)	...	...	...	...	"
Telegraph	...	...	...	...	"
Postage	...	...	...	...	"

which amounts agree with the balances shown in the monthly statement for  
 September to which this certificate is attached.  
 March

*If there is any difference, add with the exception of the following differences the explanation of which is as follows :—*

34. Monthly statements showing the receipts and issues of each local depôt, including the transactions of the subordinate branch depôts, shall be prepared by the officer in charge of the local depôt, and forwarded in the first week of the succeeding month to the Superintendent of Stamps, Calcutta, Madras or Bombay or the local Superintendent or Commissioner of Stamps, or other officer specified in Rule 33, separate statements being prepared for General Stamps, Court Fee Stamp, Telegraph Stamps, and Postage Stamps. These statements shall show for each denomination of stamp the values of the balance in hand, at the beginning of each month, of the quantities received from the Superintendent of Stamps or other officer during the month, of the quantity sold during the month, and of the balance in hand at the end of the month. The statements may be forwarded direct to the Superintendent of Stamps, Calcutta, Madras or Bombay or the local Superintendent or Commissioner of Stamps, or through any officer named by the Local Government.

35. The statements shall be checked by the Superintendent of Stamps, Calcutta, Madras or Bombay, or by the local Superintendent or Commissioner of Stamps or other officer specified in Rule 33, by comparison with previous statements and the accounts of the central depôts, and shall be used by him to check indents and to watch the balances in the local depôts. If the monthly statements of transactions show that the balance of any kind of stamps in any local depôt is falling too low, the attention of the officer in charge should be called to the fact. To enable him to check the returns each local Superintendent or Commissioner of Stamps or other officer specified in Rule 33, will be supplied by the Superintendent of Stamps, Calcutta or Bombay, with monthly statements showing the stamps issued to and returned by the local depôts subordinate to each.

## [Stamps.]

*General Rules.*

36. Treasury officers and other officers in charge of local depôts shall forward to the Local Accountant-General or Comptroller such returns of the receipts and sales of stamps as the Comptroller General may direct, in the form of *plus and minus* memoranda or otherwise.

37. Each Superintendent or Commissioner of Stamps or other officer specified in Rule 33, shall send to the Account-General or Comptroller such accounts of the transactions of the central and local depôts as the Comptroller-General may prescribe.

38. They shall also every six months intimate to the Accountant-General or Comptroller, for comparison with the amounts shown in the returns received from treasuries and other local depôts under Rule 36, the receipt of the certificates prescribed in Rule 33 and the amount of stock certified to be in balance in each local depôt.

39. The Comptroller-General shall prescribe such rules as he considers necessary for the disposal of the accounts mentioned in the foregoing rules and for the check of the receipts, issues and sales.

40. The Local Governments in Bengal, Madras and Bombay shall arrange for a periodical verification by counting of the stock of stamps in the, respective central depôts. The verification shall be carried out in the manner and form prescribed by the Comptroller-General, to whom the result will be reported.

41. The Superintendents of Stamps Calcutta, Madras and Bombay shall forward every month to the Director-General of the Post Office a statement showing the balances and receipts in the central depôt, and the issues to each local depôt of Postage stamps during the month. Each Superintendent or Commissioner of Stamps, or other officer specified in Rule 33 shall also send monthly to the Comptroller of the Post Office a statement of the sales during the past month of the several denominations of Postage stamps in the local and branch depôts subordinate to him. Each Accountant-General or Comptroller will, with his monthly account current with the Examiner of Telegraph Accounts, forward a statement showing the total realizations at each treasury from the sales of Telegraph stamps during the month.

## Stamps.]

*General Rules.*

No. 1334.—In continuation of the Notification No. 1332, of this day's date the Chief Commissioner of Ajmere-Merwara is pleased to issue the following directions supplementary to the rules for the custody, supply and sale of stamps and stamped papers, published under the above Notification.

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SUPPLEMENTARY TO RULE 11.

In Ajmere-Merwara the officer in charge shall personally count with his own hands all stamps not received in sealed packets of the value of Rs. 25 and upwards. Stamps below the value of Rs. 25 which are not received in sealed packets with unbroken seals may be counted either by officer in charge or in his presence. In the case of stamps received in sealed packets marked as containing a certain number of stamps, on packet in ten of each denomination shall be opened and counted at the time of receipt by the officer in charge or in his immediate presence. If all those counted be found correct, the remainder may be left, with seals unbroken to be counted when given out from custody, under double lock.

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SUPPLEMENTARY TO RULE 13.

In Ajmere-Merwara the registers of receipts and issues of stamps from the store under double locks shall be in such form as may from time to time be prescribed by or with the sanction of the Chief Commissioner.

They shall be kept in bound books as follows:—

- (1) Court fee No. 1, one anna to Rs. 25.
- (2) „ No. 2, from Rs. 100 to Rs. 1,000.
- (3) Non-judicial.
- (4) Postage stamp.
- (5) Service stamp.
- (6) Postal service.
- (7) Telegraph stamp.
- (8) Receipt stamp.
- (9) Foreign bill stamp.
- (10) Hundi stamp.
- (11) Share transfer stamp.
- (12) Plain paper.
- (13) General book.

The entries in these books, should be made either by the officer in charge of the local or branch depôt himself or at local depôts by the Stamp

## [Stamps.]

*General Rules.*

Mohurir at the time of putting in or taking out stamps, but in the latter event the entries must be personally checked off by the officer in charge as the stamps are put in or taken out. Every entry of receipt should correspond with the invoice, and should show from whence the stamps were received, and every entry of issue should be vouched for by a passed Treasurer's or Tehvildar's indent. A balance should be struck after each entry at the time of receipt or issue, and attested by the signature or initials of the officer in charge and of the Treasurer or Tehvildar as the case may be, both of whom shall invariably be present during the whole time that the store under double locks or any part of it remains open.

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 SUPPLEMENTARY TO RULE 15.

In Ajmere-Merwara the period of one month fixed by this rule is reduced to one week.

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 SUPPLEMENTARY TO RULE 16.

In Ajmere-Merwara the register of receipts and issues of stamps under single lock shall be kept in Urdu, or in Hindi if the *ex-officio* vendor is not sufficiently acquainted with Urdu. The book shall be balanced daily, and the balance shall be attested by the initials of the officer in charge of the local or branch depôt and the Treasurer or Tehvildar as the case may be. Before signing this register the officer in charge shall see that all issues from the store under double locks have been brought to credit, and that the values of stamps written off as sold have been credited in the treasury cash accounts. At the close of the last working day of each month an abstract showing briefly the transactions of the month and containing (1) opening balance, (2) receipts during month, (3) sales during month, and (4) closing balance should be entered in the register after the last entry. The officer in charge shall verify the entries, and certify that he has personally examined and counted the stamps of all descriptions in store, and that the transactions during the month have been correctly recorded. The officer in charge of branch depôts shall thereafter send without unnecessary delay a transcript of the transactions during the month authenticated by his signature for incorporation in the district returns.

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 SUPPLEMENTARY TO RULE 31.

In Ajmere-Merwara period referred to in this rule is fixed at two weeks.

## STAMPS—JUDICIAL.

[a] No. 3389 S. R.—*Dated the 6th August 1896.*

It is hereby notified that in exercise of the power conferred by Section 35 of the Court Fees Act (VII of 1870), the Governor-General in Council has been pleased to direct that no Court Fee shall be charged on an application for the repayment of a fine or of any portion of a fine the refund of which has been ordered by competent authority.

## NOTIFICATION REDUCING AND REMITTING COURT-FEES.

[b] No. 4650, *dated the 10th September, 1889.*

(As amended by Government of India Notification No. 4276 S. R., dated 23rd September 1897) *Gazette of India*, part I, page 864.

Under section 35 of the Court-fees Act, VII of 1870, and in supersession of all previous notifications under that section, it is hereby notified that, in exercise of the power to reduce or remit, in the whole or in any part of British India, all or any of the fees mentioned in the First and Second Schedules to the said Act, the Governor-General in Council has been pleased to make the reductions and remissions hereinafter set forth, namely :

A.—*General for the whole of British India.*

(1) To remit the fees chargeable on applications presented to a Collector for refund of the amount paid to the Government for stamped paper which

[a] Printed at page 604 of the *Gazette of India*, part I, dated 8th August 1896.

[b] *Gazette of India*, 1889, part I, page 503.

has become spoiled or unfit for use, or is no longer required for use, and on applications for renewal of stamped paper which has become spoiled or unfit for use ;

(2) To remit the fees chargeable on applications in writing, relating exclusively to the purchase of salt which is the property of the Government ;

(3) To direct that, when a plaint disclosing a reasonable case on the merits is presented to any Civil or Revenue Court in such a form that the presiding Judge or officer, without summoning the defendant, rejects it, not for any substantial defect, but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the Court is situated, together with a certificate from the Judge or officer who rejected the plaint, that it was rejected under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded ;

(4) To remit the fees chargeable on—

(a) Copies of village settlement-records furnished to landholders and cultivators during the currency or at the termination of settlement-operations ;

(b) Lists of fields extracted from village settlement-records for the purpose of being filed with petitions of plaint in Settlement Courts :

Provided that nothing in this clause shall apply to copies of judicial proceedings, or to copies of village settlement-records (other than lists of fields) extracted as aforesaid, which may be filed in any Court or office ;

[a] (5) To declare that the fee chargeable on a plaint filed in a suit for possession of immoveable property under section 9 of the Specific Relief Act, I of 1877, shall be one-half of the amount prescribed in the scale of fees for plaints mentioned in article 1 of the First Schedule ;

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[a] Clause (5) is superseded by the amendment made in Article 2 of Schedule I of the Court-fees Act, 1870, by Act XII of 1891, Schedule II.



## Stamps -- Judicial.]

- (g) Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court ;
- (h) Copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation, for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings ;
- (i) Copies of judgments or depositions required by officers of the Police Department in the course of their duties ;
- (16) To direct that the fee chargeable—
  - (a) On an application to a Collector, or to any officer or person discharging all or any of the functions of a Collector, with respect either to liability to assessment or to the amount of an assessment under Act II of 1886 (*an Act for imposing a tax on income derived from sources other than agriculture*), and
  - (b) On a copy of an order passed under section 26 of the same Act, shall be limited to one anna ;
- (17) To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any Court or public office ;
- (18) To direct that, when a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's register as separately assessed with such revenue, the value of the subject matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed five times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share ;
- (19) To direct that, if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this Notification ;
- (19A) To remit the fee chargeable on an application for the grant of a license for the vend of stamps.

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NOTE.—Rules from 20 to 47 are omitted as they are not applicable to Ajmere-Merwara.

[a] K.—*Special for the Bombay Presidency, Bengal, the North-Western Provinces and Oudh, the Punjab, Lower Burma, the Central Provinces, Ajmere and Coorg.*

[a] (48) To direct that, whenever, upon payment of the full fee, a certificate of administration has been granted under Act XL of 1858 [b] (*An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act XX of 1864 [b] (*An Act for making better provision for the care of the persons and property of Minors in the Presidency of Bombay*), and a fresh certificate is for any reason subsequently granted in respect of the same estate, no fee shall be chargeable upon the fresh certificate so granted.

[a] Clause K (

[b] Acts XL of

## Stamps—Judicial.]

*Rules regarding process-fees, &c.*

[a] Notification No. 809-741, dated 24th July 1890.

*Rules regarding Process-fees and Process-serving Establishments.*

The following rules made by the Chief Commissioner of Ajmere-Merwara in exercise of the powers conferred on him by sections 20 and 22 of the Court Fees Act, VII of 1870, and sanctioned by the Governor-General of India in Council, are published for general information, in supersession of all previous orders on the subject.

## PART I.

*Rules applicable to Civil Courts.*

1. Fees shall be levied according to the following scale for serving and executing processes issued by the Civil Courts of the District of Ajmere-Merwara:—

In original suits or appeals or in cases of execution of decrees.				For every process not being a warrant of arrest.	For every warrant of arrest.
				Rs. A. P.	Rs. A. P.
If the amount or value of the subject-matter in dispute or of that sought to be recovered does not exceed Rs. 20 ... ..				0 4 0	1 0 0
If it exceeds Rs. 20, but does not exceed Rs. 50 ...				0 8 0	1 0 0
Ditto	50	ditto	100 ...	1 0 0	1 8 0
Ditto	100	ditto	200 ...	1 4 0	2 0 0
Ditto	200	ditto	300 ...	1 8 0	3 0 0
Ditto	300	ditto	500 ...	2 0 0	4 0 0
Ditto	500	ditto	1,000 ...	3 0 0	5 0 0
Ditto	1,000	ditto	5,000 ...	4 0 0	6 0 0
Ditto	5,000	ditto	10,000 ...	5 0 0	7 0 0
Ditto	10,000	ditto	25,000 ...	6 0 0	8 0 0
Ditto	25,000	...	... ..	8 0 0	10 0 0

## [Stamps—Judicial.]

*Rules regarding process-fees, &c.*

(a)—The amount or value of the subject-matter of a suit or appeal as determined in sections 7 and 8 of the Court Fees Act, 1870, or under the rules made under the Suits Valuation Act, 1887, whichever is higher, shall regulate the fees payable according to the above schedule, and—

(b)—A uniform fee of annas eight shall be levied on every process issued—

(i) in any suit or appeal not coming under clause (a) of this rule, or

(ii) in any miscellaneous proceeding other than a proceeding in the execution of a decree.

(c)—If a peon be detained more than three days in charge of attached property or in charge of a judgment-debtor under section 349 of the Code of Civil Procedure, 1882, or, in attendance on arbitrators or otherwise, a daily fee of annas four in cash for each peon shall be levied.

2. A separate process shall be issued for each person summoned, or arrested, or upon whom a notice is served, and a separate fee shall be charged for each process: Provided that in civil cases against a coparcenary body for land, and also in cases against several defendants for the levy of customary village dues recorded at settlement, other than cesses assessed by Government only one fee shall be levied for the service of process on defendants or respondents who may reside in the same village, if they are not more than four in number; but if they are more than four in number, then one-sixth of the ordinary fee leviable shall be charged for every such person in excess of four; provided also that the aggregate fee payable under the above proviso shall in no case exceed Rs. 5.

3. When a process issued by a Civil Court is returned unserved, and has to be reissued, the party at whose instance it is reissued shall, unless the Court, for reasons to be recorded by it, otherwise directs, pay the full fee chargeable thereon.

4. When the service is set aside in an enquiry under section 82 of the Code of Civil Procedure, 1882, no process-fee shall be levied upon reissue.

## Stamps—Judicial.]

*Rules regarding process-fees, &c.*

### PART II.

#### *Rules applicable to Criminal Courts.*

5. No fee shall be levied on any process issued by a Criminal Court in cognizable cases, that is, cases in which the Police may arrest without warrant, according to the second schedule of the Code of Criminal Procedure, 1882, [a] or any other law in force for the time being.

6. In non-cognizable cases, that is, cases in which the Police have by law no power to arrest without warrant, process-fees shall be levied according to the following scale, *viz* :—

(i)—For every summons or notice	...	... 4 annas.
(ii)—For every warrant of arrest	...	... 6 „
(iii)—For every proclamation for absconding party or witness (Code of Criminal Procedure, 1882 sections 87 and 88) [a]	...	... 1 rupee.
(iv)—For every warrant of attachment	...	... 8 annas.

Provided that no fee shall be levied on any process issued on the complaint of any public officer acting as such public officer.

Provided also, that the Court may, in its discretion, or for reasons to be recorded in writing, remit the whole or any portion of the amount of the process-fees leviable under this rule.

7. Rules 2 (except the proviso,) 3 and 4 shall apply *mutatis mutandis* to process issued by Criminal Courts.

### PART III.

#### *General.*

8. Subject to the provisions of these rules, no fees shall be levied for any process which a Court may issue of its own motion, or by order of a superior Court in any suit or proceeding, and not at the instance of any party to the suit.

9. A process issued by any British Court, whether of Civil, Revenue or Criminal jurisdiction, shall be served free of charge by any Court in Ajmere-

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[a] Now Act V of 1898.

## [Stamps—Judicial.]

*Rules regarding process-fees, &c.*

Merwara, if it be certified on the process that the proper fee has been levied under the rules in force in the Court issuing it. When any Civil, Revenue, or Criminal Court in Ajmere-Merwara sends a process for service or execution beyond the local limits of its ordinary jurisdiction, such Court shall endorse on the process a certificate that the fee chargeable under these rules has been levied.

10. Process-servers shall ordinarily travel on foot, when proceeding to serve or execute processes; but in special cases under the permission in writing of the Judge of the Court issuing the process, the journey may be made by railway or other conveyance. In all such cases, the *bona fide* travelling expenses of the process-server shall, as the Court may in each case decide, be charged either to Judicial contingencies, or be paid by the party at whose instance the process was issued.

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 PART IV.

11. The strength and salaries of the process-serving establishment shall not, except with the special sanction of the Chief Commissioner, exceed the following scale:—

1 Nazir of the District	...	...	Rs. 75
1 Naib Nazir of the Commissioners's Court	...	„	30
3 Naib Nazirs of the Courts of Small Causes,			
each	...	...	„ 30
1 English Bailiff	...	...	„ 25
Peons, 1st grade, each	...	„	6
Peons, second grade, each	...	„	5

From time to time, it shall be within the competence of the Chief Commissioner to revise the above scale in any or all of its heads and to fix the number of peons to be employed; provided that the number of process-servers shall be sufficient for the execution of a number of processes equal to an annual average of at least three hundred processes for each peon so employed.

For the purpose of computing the said annual average of at least three hundred processes mentioned in the last foregoing proviso, all processes of the same description issued on behalf of the same party, in the same suit or proceeding, and executed at the same time and in the same town or village, shall be reckoned as one process only, whether executed by one or more

## Stamps—Judicial.]

### *Rules regarding process-fees, &c.*

peons. But if the description of process, or the suit or proceeding, or party, be different, the services will count separately.

12. On special occasions, should it be necessary in order to save delay, any Civil Court may employ an additional messenger for the service and execution of any particular process. But the employment of such additional men must be reported to the Court to which such Court is subordinate, with an explanation of the reason which has made the employment necessary.

13. The distribution of the number of peons allowed under Rule II, shall be made by the District Judge to the various subordinate Courts according to their needs.

## P A R T V .

### *Subsidiary instructions regarding process-fees and process-serving establishment for the guidance of the Courts and process-servers.*

14. The Nazir of the District shall be deemed to be the Nazir of all the Courts at Ajmere, except of the Courts of the Commissioner and of Small Causes, and shall be under the direct orders of the Assistant Commissioner, Ajmere. The English Bailiff shall be at the service of all the Courts at Ajmere.

The Nazir or any other Officer of the Court conducting the sale of property in execution of a decree shall, under the orders of the Court ordering the sale of such property, be entitled to receive a commission at the rate of Rs. 5 per centum on the proceeds of the sale when such proceeds do not exceed Rs. 500; and at the rate of Re. 1 per centum on proceeds exceeding Rs. 500.

15. A register of peons appointed under Rule II shall be kept in the following form, and shall be maintained in the Commissioner's Office :—

Name, parentage and caste of peon.	Date of birth by Christian era.	Place of abode.	Date of entry in Government service.	Date of appointment to present post.	Salary.	REMARKS.

## [Stamps—Judicial.]

*Rules regarding process-fees, &c.*

16. Ordinarily Civil processes shall only be servable through the registered peons. When resort to others is necessary, the special sanction of the Court in writing shall be obtained.

17. Every registered peon shall be supplied with a belt and badge, shewing in English and Vernacular the Court to which he is attached.

18. In the selection of peons, preference shall be given to those who can read and write.

19. No process shall be prepared or issued until the requisite stamp (if any) has been put in. When the stamp has been put in, it shall be affixed if adhesive, or attached if impressed, to "the Diary of Process-fees" hereinafter mentioned; the process shall then be prepared and issued, after cancellation of the stamp put in.

20. On every process issued from any Court, there shall be recorded the name of the process-server deputed to serve or execute the same, the period within which he is required to certify service or execution, the amount of fee paid, and the date of payment, and the date of return after service or execution shall be subsequently endorsed. Such endorsements shall be signed by the Nazir or Naib Nazir or Bailiff.

21. An account of process-fee stamp filed, or processes issued (Civil Revenue, and Criminal), of the number of peons employed, of the cost of establishment, of process-fees recovered in cash and of contingencies, shall be kept for each Court, where a separate establishment is entertained.

22. With the record of each Civil and Revenue case, and of each Criminal case in which process-fees are levied, shall be kept a separate sheet of paper, which should be devoted to the sole purpose of maintaining a record of processes, to be termed the "Diary of Process-fees." This diary shall be in the following form, and shall form a portion of File A. Entries of every process order to be issued in the case shall be made therein in chronological order, and the stamps, if adhesive, shall be affixed opposite the order, or if impressed attached to it, and cancelled immediately upon being affixed or attached.



## Stamps—Judicial.

*Rules regarding process-fees, &c.**Diary of Process-fees.*

In the Court of the  
at  
No.                      of 189

Process-fees in the case of  
*versus*

Date.	Name of party filing stamp.	For what purpose.	Amount.	Cancelled Stamps.

23. The Nazir or Ahlmad attached to each Court shall keep two process registers in the following form:—

[Stamps—Judicial.

Rules regarding process-fees, &c.

REGISTER OF PROCESS-FEES LEVIED IN STAMPS.

1	2	3	4	5	No. of process issued.		8	DATE AND PLACE OF SERVICE.		11	12	13	14
Date of issue.	Court.	No. of case and names of parties.	Amount of claim.	Date of receipt for issue.	No. of copies to be served.	No. of process computed under Rule XI. of the foregoing rules.	Nature of process.	Date.	Place.	Name of peon employed.	Date of return of process to Court by which process was ordered to be issued.	Signature of official acknowledging receipt of return of service.	REMARKS.
					6	7	8	9	10	11	12	13	14

## Stamps—Judicial.]

*Rules regarding process-fees, &c.*

## REGISTER OF FEE LEVIED IN CASH.

1	Date of order directing issue of process.	2	Date of receipt of process fee.	3	Date of issue.	4	Name of Court.	5	No. of case and names of parties.	6	Amount of claim.	7	Name of person paying process fee.	8	Date of receipt for issue.	9	Nature of process.	10	Date.	101	Place.	11	Name of peon employed.	12	Amount of fees recovered.	13	Amount paid to the extra peon.	14	Balance if any returned to the person paying the fee.	15	Date of return of process to Court by which process was ordered to be issued.	16	Signature of official acknowledging receipt of return of service.	17	REMARKS.
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## NOTIFICATION.

[a] No. 361—*Dated 18th April 1883.*

In exercise of the powers conferred by sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financial Department No. 1520, dated 5th March 1875, and all other Notifications on the subject, the Governor-General in Council is pleased to issue the following directions:—

- I.—When in any case the fee chargeable under the said Act is less than Rs. 10, such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees," at present in use, or adhesive stamps of any different shape, size or pattern, bearing the words "Court Fees," which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.
- II.—When in any case the fee chargeable under the said Act amounts to or exceeds Rs. 10, such fee shall be denoted by impressed stamps bearing the words "Court Fees," adhesive stamps being only employed to make up fractions of less than Rs. 10.
- III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of one anna, such fraction shall be remitted.
- IV.—This Notification shall take effect on and after the 1st June 1883.

[b] No. 1522—*Dated the 20th March 1885.*

In exercise of the powers conferred by Section 26 of the Court Fees Act, 1870, the Governor-General in Council directs that the additional Court Fee payable under Section 19E of the said Act on Probates and Letters of Administration shall be denoted either—

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[a] *Gazette of India*, dated 21st April 1883, Part I, page 189.

[b] *Government of India Gazette*, Part I, March 21st, page 213.

## Stamps—Judicial.]

- (a) By impressed and adhesive stamps in the manner prescribed in Notification No. 361 of 18th April 1883; or
- (b) Wholly by adhesive stamps of the kind described in clause I of Notification No. 361 of 18th April 1883.

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NOTIFICATION.

[a] No. 500—*Dated Mount Abu, the 26th June 1883.*

Under Section 27, Act VII of 1870, the Chief Commissioner of Ajinere-Merwara is pleased to order, the publication of the following rules which shall be in force from the 1st July 1883, regarding the stamps to be used to denote the fees chargeable under the said Act:—

I.—When, in the case of fees amounting to less than Rs. 10, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp or if a single adhesive stamp of the required value is not available, the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values, which may be required to make up the exact amount of the fee.

II.—When, in the case of fees amounting to or exceeding Rs. 10, the amount can be denoted by a single impressed stamp, the fee shall be denoted, by a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value shall be used and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 10.

## [Stamps—Judicial.]

- III.—Any adhesive stamps which may be used under Rule II, shall be affixed to the impressed stamp of the highest value employed in denoting the fee.
- IV.—When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court Fees Act, a portion of the subject matter shall be written on each impressed stamp so used, and the writing on each stamp shall be attested by the signature of the person or persons executing the document.
- V.—When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamps, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and the writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document. No part of the document is in any case to be written on the back of any impressed stamp paper or papers joined thereto.
- VI.—In the new adhesive stamps a blank space has been left in which the stamp vendor must enter under his own signature the name of the purchaser and the date of sale.
-

## Stamps—Judicial.]

*Rules for sale of Court-fees stamps.*

### RULES FOR SALE OF COURT FEES STAMPS FOR AJMERE AND MERWARA.

#### SCHEDULE C.

*Rules framed by the Judicial Commissioner, Ajmere and Merwara under the provisions of Section 27, Act VII of 1870, and approved of by the Government of India in their No. 162J, dated 15th August 1873, Foreign Department.*

#### RULE I.

The Court Fees Stamps will be sold by Official Vendors, but no discount will be allowed on sales. [a]

#### RULE II.

At the Sudder Station and at Sub-Treasuries the Official Vendors shall be the Treasurer and Tehsildars; at Out-stations, the Nazirs or their Naibs, or other Officers to be appointed by the Deputy Commissioner [b] and shall sell Court Fees Stamps to all applicants between the hours of 10 A.M. and 4 P.M., Sundays and gazetted holidays excepted.

#### RULE III.

The Treasury Officer shall supply Sub-Treasuries and out-stations from time to time with Court Fees Stamps on indent signed by the Sub-Collectors [c] and Judicial Officers and countersigned by the Deputy Commissioner [b] and on arrival of the amount indented for, a receipt shall be forwarded to the Treasury Officer for the same.

#### RULE IV.

An account shall be kept in Form B of the stamps received and issued on such Indents, an abstract Form C of which shall be forwarded so as to reach the Treasury on the last day of each month, for incorporation in the monthly account.

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[a] This rule has since been modified by Foreign Department letters No. 3850 and 748, dated respectively 19th October 1883 and 9th May 1885, in so far as the sale of stamps below the individual value of Rs. 50 is concerned. Those letters authorize the employment of licensed vendors and the appointment of the Ahlmads attached to the Courts of the Honorary Magistrates of Bhinai, Masuda Khurwa, Bandanwara, Sawar and Deoli Cantonment as vendors for the sale of Court Fees Stamps below the individual value of Rs. 50, and payment to them of discount at 2 per cent.

[b] Now-Assistant Commissioner.

[c] i.e. Tahsildars.

## [Stamps—Judicial.]

*Rules for sale of Court-fees stamps.*

## RULES V.

In the Treasury a register of all Court Fees Stamps, received into and issued from the Treasury, shall be maintained in Form A., and monthly statements of receipt and charges, Forms X and Y, for Comptroller-General of Accounts, [a] Calcutta, and Quarterly Statements furnished to the Deputy Commissioner, [b] for submission to the Commissioner of the sales effected during the quarter at the Treasury, Sub-Treasury, and several Outstations, showing also the amounts supplied on indent, and balances in hand in the Forms D, E, E2., and F.

## RULE VI.

The Establishment maintained in connection with Court Fees will be paid from the General revenues of the State, by monthly bills drawn from the Treasury, and disbursed under the orders of the Deputy Commissioner [b] in the same way as other Establishments under his control. The Establishment will also be entitled to pensions from the general revenues under the Rules of Civil Pension Code. [c]

## RULE VII.

The clerk at present borne on the Establishment of the Deputy Commissioner [b] as Stamp Clerk, will keep the accounts required by the Treasury relating to Court Fees Stamps and Establishments, their pay and contingent charges, without additional salary.

## RULE VIII.

A Register of the Establishment sanctioned in connection with Court Fees shall be maintained by the Deputy Commissioner [b] at the Sudder Station in form Z., as for other Establishment under his control, and copies thereof furnished annually on the 1st April to the Comptroller-General of Accounts [a] Calcutta.

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[a] Now Comptroller of India Treasuries.

[b] Now-Assistant Commissioner.

[c] Read "the Civil Service Regulations" for "Civil Pension Code."



## Stamps—Judicial.]

*Rules for sale of Court-fees stamps.*

## A.

*Store Book of Court Fees Stamps of the Ajmere Treasury for the year 18 .*

Date.		DENOMINATION OF STAMPS		Value.	Treasurer's signature.	Treasury Officer's signature.
Oct.	1	Balance in store	...			
	1	Issued to an Indent K	...			
	1	Ditto N	...			
	1	Ditto B	...			
	1	Ditto T	...			
	1	Sold A	...			
	1	Total issued	...			
	2	Balance	...			
	2	Received from Supdt.	...			
	2	Total	...			
	2	Sold D	...			
	3	Balance	...			

N.B.—A. Ajmere, B. Beavar, T. Todghur, K. Kekree, N. Nussacrabadi, D. Deolee, &c., being distinguishing marks of Offices, Vendors and Courts at Sub-Treasuries.



Stamps--Judicial.]

### Rules for sale of Court-fees Stamps.

८

*Abstract of Court Fees Stamps, Stock and Sales Account for the month of*

[illegible]

[Stamps--Judicial.]

*Rules for sale of Court-fees Stamps.*

## D.

*Abstract Statement of Stock and Issues of Court Fees for the quarter.*

	NUMBER, VALUE, AND DENOMINATION OF STAMPS.								Amount.		REMARKS.
	1 anna.		2 annas.		3 annas.		4 annas.		Rs.	a.	
	No.	Rs.	a.	No.	Rs.	a.	No.	Rs.			
Stock in hand, 1st	...	...	...	...	...	...	...	...	...	...	
Received from Superintendent Stamps	...	...	...	...	...	...	...	...	...	...	
Ditto from the	...	...	...	...	...	...	...	...	...	...	
TOTAL	...	...	...	...	...	...	...	...	...	...	
Returned to Superintendent, Stamps	...	...	...	...	...	...	...	...	...	...	
Issued and sold as per memo. at foot	...	...	...	...	...	...	...	...	...	...	
Balance in hand on	...	...	...	...	...	...	...	...	...	...	

## Memo.

Sold.  
 Beawar.  
 Nusseerabad.  
 Kekree.  
 Todgurl.  
 Deolee.  
 Bhinae.  
 Sawar.  
 Deolia.  
 Bandenwara.  
 Khurwa.

Total

## Stamps—Judicial.]

## Rules for sale of Court-fees Stamps.

## E. I

*Abstract of Stock Account of Court Fees Stamps for the quarter ending—for Out-Station and Sub-Treasuries.*

Denomination of Stamps.	TODGURH.				BEAWAR.				NUSSEERABAD.				And so on for each out-station		TOTAL.				
	In store at commencement of quarter.	Received during quarter.	Sold and issued during quarter.	Balance at close of quarter.	In store at commencement of quarter.	Received during quarter.	Sold and issued during quarter.	Balance at close of quarter.	In store at commencement of quarter.	Received during quarter.	Sold and issued during quarter.	Balance at close of quarter.			In store.	Received.	Sold.	Balance.	Amount of balance.
1 Anna	..	..	..	..	..	..	..	..	..	..	..	..			No.	No.	No.	No.	Rs. a p.
2 Annas	..	..	..	..	..	..	..	..	..	..	..	..							
3 "	..	..	..	..	..	..	..	..	..	..	..	..							
4 "	..	..	..	..	..	..	..	..	..	..	..	..							
6 "	..	..	..	..	..	..	..	..	..	..	..	..							
8 "	..	..	..	..	..	..	..	..	..	..	..	..							
12 "	..	..	..	..	..	..	..	..	..	..	..	..							
1 Rupee	..	..	..	..	..	..	..	..	..	..	..	..							
1-4 "	..	..	..	..	..	..	..	..	..	..	..	..							
1-8 "	..	..	..	..	..	..	..	..	..	..	..	..							



## Stamps—Judicial.]

*Rules for sale of Court-fees Stamps.*

## F.

[a] *BUDGET of Comparative Statement of receipts and charges on account of Court Fees for the quarter ending.*

Estimate for 18 - .	Court Fees Stamps.	Fines.	Commis- sion on Sales.	Miscel- laneous.	Total receipt.	Supervi- sion Es- tablish- ment.	Account Estab- lishment.	Process- serving Estab- lishment.	Station- ery and printing charges.	Contin- gencies.	Total.	RE- MARKS.
Previous quarter of year	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Month of												
Month of												
Month of												
Total of quarter												
Grand Total ...												
Balance of Budget Estimate ...												
Quarter of 18 -												
Quarter of 18 -												
Quarter of 18 -												

[a] This statement is not now submitted.

## [Stamps—Judicial.]

*Rules for sale of Court-fees Stamps.*

**X.**

*STATEMENT showing the receipts and charges on account of Stamp Duties levied under the Court Fees Act in the District of*

18 .

*for the month of*

1	2	3	4	5	6	7	8	9	10	11	12
District.	* Bi-colour im-pressed stamps, red and black.	Court Fees Stamps.	Total sales.	Refunds of Fees under Section 13.	Refunds of Fees under Section 14.	Refunds of Fees under Section 15.	Refunds of value of damaged or spoiled stamps.	Contingencies.	Gross charges.	Net receipts.	REMARKS.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	

\* Bi-colour stamps are not now in use.



## Stamps--Judicial.]

*Rules for sale of Court-fees Stamps.*

Y.

*STATEMENT showing discount allowed on sale of Judicial Stamps under the Court Fees Act in the District  
of Ajmere for the month of 18 .*

District	Details of parties who receive discount.	TOTAL VALUE OF STAMPS SOLD.		TOTAL DISCOUNT PAID.		REMARKS.
		18 .	18 .	18 .	18 .	
Ajmere.	Ex-officio vendors.	Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.	

## [Stamps—Judicial.]

*Rules for sale of Court-fees Stamps.*

Z.

*on the 1st April 189**DETAILED Statement of Establishment of the*

Name of Department and date of Government order constituting each Office in the establishment existing on the 1st April 189	Date of appointment of each incumbent.	Name.	Age on last birthday.	Appointment	Monthly salaries.	Total.	REMARKS.
					Rs. a. p.	Rs. a. p.	

## Stamps--Judicial.]

[1] *Notification No. 573, dated Mount Abu, the 11th July 1884.*

With reference to Government of India, Finance and Commerce Department, Notification No. 927, dated 19th February 1884, [2] the Chief and Financial Commissioner prescribes the addition of the following rules relating to the renewal of damaged or spoiled stamps to the rules promulgated under his Notification No. 189, dated the 18th March 1882, and published in Part II of the *Gazette of India*, dated 25th idem:—

XVI.—If any stamp or stamped paper purchased for use under the Court-fees Act is damaged or spoiled before being used, the Assistant Commissioner of Ajmere may, upon written application made to him within one year after its purchase, and on being satisfied that it was purchased for use and was accidentally spoiled or damaged, authorise a fresh stamp or stamped paper of the same value being given to the applicant. The spoiled stamp or stamped paper shall be taken back and returned to the Superintendent of Stamps at Calcutta.

XVII.—A stamped paper shall be held to be damaged or spoiled within the meaning of Section 27 Clause C, when :—

1. It shall by some accident, either before or after being written upon, have become stained, spoiled, torn or otherwise rendered permanently unfit for use.
2. In consequence of some material error in the writing or copying of any writing, it has become of no avail.
3. The purpose intended to be effected thereby has been effected by some other instrument on which the proper fee has been duly paid.
4. Owing to death, or from some other cause, a transaction intended to be effected is not completed, and the writing becomes of no avail.

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[1] *The Gazette of India*, dated 19th July 1884, part II, page 414.

[2] This Resolution of the Government of India was superseded by Resolution No. 2345, dated 26th December 1884, which in its turn was superseded by Resolution No. 132, dated the 11th January 1888, which see at page 1483. Rule XVI is apparently to be read as subject to the directions contained in the Resolution last quoted.

## [Stamps—Judicial.]

*Rules for Refund of Court fees Stamps, &c.*

5. In consequence of any error or informality in the drawing up or in the signing of any writing on which the proper Court-fee Stamp has been duly affixed, and cancelled by any duly authorised Court or Officer, the writing is returned or rejected by the said Court or Officer to which it was sent or addressed, and the stamp has thereby become unfit for use.

## GOVERNMENT OF INDIA.

## FINANCE AND COMMERCE DEPARTMENT.

*Resolution No. 132, dated Calcutta, the 11th January 1888.*

Read—

Resolution of the Government of India in this Department, No. 2345, dated the 26th December 1884.

Letter to the Government of Bombay, No. 230, dated the 20th April 1885.

Letter from the Government of Madras, No. 953, dated the 30th September 1887.

*Resolution.*—In supersession of all existing orders on the subject, the Governor-General in Council is pleased to authorise the refund of the value of impressed Court-fee Stamps and of Court-fee adhesive labels in accordance with the following rules:—

1. (a) When any person is possessed of impressed Court-fee Stamps for which he has no immediate use, or which have been spoiled or rendered unfit or useless for the purpose intended, or
- (b) When any person is possessed of two or more (or, in the case of denominations below Rs. 5, four or more) Court-fee adhesive labels *which have never been detached from each other*, and for which he has no immediate use,

the Collector shall, on application, repay to him the value of such stamps or labels in money, deducting one anna in the rupee, upon such person delivering up the same to be cancelled and proving to the Collector's satisfaction

## Stamps—Judicial.]

### *Rules for Refund of Court-fees Stamps, &c.*

that they were purchased by him with a *bona fide* intention to use them that he has paid the full price thereof, and that they were so purchased or in the case of impressed Court-fee stamps, so purchased, spoiled or rendered useless, within the period of six months preceding the date on which they are so delivered. Provided that Local Governments may, in special cases allow refunds when application is made within one year from the date of purchase of the stamps or labels, or, also in the case of impressed Court-fee stamps, within one year from the date on which the stamps were spoiled or rendered useless. The Local Governments may at their discretion delegate this power to any subordinate authority. [a]

2. When a licensed vendor surrenders his license or dies, the Collector may, at his discretion, if he considers that the circumstances justify the application, repay to him or his representatives, as the case may be, the values of stamps and labels, not spoiled or rendered unfit for use, returned into the Collector's store, deducting one anna in the rupee; or he may issue stamps and labels of other values in exchange, provided that, in the case of adhesive Court-fee labels, their value may not be refunded, or stamps and labels of other values issued in exchange, unless, in cases where the value of each label is not less than Rs. 5, there are at least two such labels which have never been detached from each other; and in cases where the value of each label is less than Rs. 5 unless there are at least four such labels which have never been detached from each other.

3. When adhesive labels are attached to impressed sheets of Court-fee stamps in accordance with the directions contained in Notification by the Government of India in this Department, No. 361, dated the 18th April 1883, [b] such labels should be regarded as impressed stamps for the purposes of refund under these rules.

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[a] The Chief Commissioner has delegated this power to the Commissioner, *vide* Chief Commissioner's letter No. 154—673, dated 22nd February 1888.

[b] Printed at page 1467.

[Stamps—Judicial.]

## GOVERNMENT OF INDIA.

## FINANCE AND COMMERCE DEPARTMENT.

SEPARATE REVENUE.Stamps.

## RESOLUTION.

No. 307 S. R., dated *Calcutta, the 23rd January 1893.*

Read—

Resolutions in this Department, Nos. 132 and 4435, dated the 11th January 1888 and 27th October 1891.

Letter from the Government of Bengal, No. 1469, dated 5th April 1892.

Letter to all local Governments and Administrations (except Bengal), No. 1889, dated 5th May 1892.

Letter from the Chief Commissioner of Burma, No. 472-2 S.-8, dated 25th June 1892, and enclosure.

Letter from the Government of Madras, No. 673, dated 30th June 1892.

Letter from the Chief Commissioner of Coorg, No. 1023-425-85, dated 8th July 1892.

Letter from the Chief Commissioner of Ajmere-Merwara, No. 767-673, dated 21st July 1892.

Letter from the Chief Commissioner of Assam, No. 3277R, dated 21st July 1892 and enclosure.

Letter from the Resident, Hyderabad, No. 231, dated 5th August 1892, and enclosure.

Letter from the Government of the Punjab, No. 595S, dated 8th September 1892, and enclosure.

Letter from the Chief Commissioner of the Central Provinces, No. 3721, dated 5th October 1892.

Letter from the Government of Bombay, No. 9235, dated 24th November 1892, and enclosure.

Letter from the Government of the North-Western Provinces and Oudh, No. 200, dated 6th December 1892, and enclosures.

**Stamps—Judicial.]***Refund of the values of Judicial Stamps, &c.*

RESOLUTION.—The Resolutions of 11th January 1888 and 27th October 1891 authorise the refund of the values of judicial and non-judicial Stamps sold to a licensed vendor (subject to certain conditions and to a deduction of one anna in the rupee) when he surrenders his license or when he dies.

2. In April 1892 the Government of Bengal pointed out that the rules prescribed in those Resolutions do not provide for the rate of deduction to be made from the values of stamps refunded to a vendor when stamps are called back from him on public grounds, or when his license is revoked.

In these cases the rules in force in Bengal provide that the vendor shall receive back the value of the stamps returned less any discount which may have been allowed thereon, and it was suggested that this rule should be assimilated to that which applied to the cases mentioned in paragraph I, the deduction on refund being made at the rate of one anna in the rupee.

3. Local Governments and Administrations were asked to state the rules at present in force on the subject, and whether they concurred in the proposals made by the Government of Bengal. From the replies received it appears that the rules in the several provinces are not uniform, and that while the majority of the local Governments advocate the proposed deduction in all cases of one anna in the rupee on grounds of uniformity and administrative convenience, others object to it in some cases as being inequitable and unnecessarily hard.

4. It appears to the Governor-General in Council that there is no good reason for treating all cases of the return of stamps in the same way. In some cases the taking back of the stamps is a concession on the part of Government, and it may take them back on any terms that it thinks fit to prescribe; but in cases in which the stamps are recalled for the convenience of Government, it does not seem equitable to levy a fine on the licensed vendor. These latter cases are admittedly few, and there can be but little administrative inconvenience in having a special rule to meet them.

5. It seems, however, to be desirable that there should be a uniform treatment of the same cases in the different Provinces, and the Governor-General in Council is therefore pleased to rule, in continuation of the rulings laid down in the Resolutions of 1888 and 1891, that when stamps are returned into the Collector's store on—

## Stamps—Judicial.]

*Refund of the values of Judicial Stamps, &c.*

- (1) resignation of the vendor's license,
- (2) revocation of license for any fault of the licensee,
- (3) death of the vendor,
- (4) application of the vendor for leave to restore any stamps,

the stamps should be taken back at their full value, less a deduction of one anna in the rupee; but that when they are returned on—

- (5) expiration of license,
- (6) recall of stamps by Government,

(7) revocation of license for any other cause than that mentioned in (2), they should be taken back at their full value less only any discount allowed on their sale to the licensed vendor.

6. The local Governments should frame or amend their rules in accordance with this decision.

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ORDER.—Ordered that copy of the Resolution be communicated to all local Governments and Administrations for information and guidance.

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*From the First Assistant to the Chief Commissioner, Ajmere-Merwara,  
to the Commissioner, Ajmere-Merwara, No. 169C, dated Ajmere,  
9th March 1885.*

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With reference to your letter No. 786J, dated the 3rd December 1884, I am directed to point out that the existing practice of levying Court Fees on petitions presented by the relations, friends or pleaders of prisoners in Civil and Criminal cases is irregular and should be discontinued. No distinction need be made under section 19, clause 17 of the Court Fee Act between petitions received from prisoners themselves and petitions presented on their behalf as above, it being of course assumed that no such application is accepted unless the Court receiving it is satisfied that the application is presented on behalf of the prisoner represented.

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*Circular No. 1225 G., dated 28th March 1894.*

To

THE ASSISTANT COMMISSIONERS, AJMERE AND MERWARA.

SIR,—

I have the honor to request that the Officers presiding over Civil Courts in the Ajmere-Merwara District may be desired not to levy process fees in future on Proclamations for the sale of property in execution of decree.

2. If any expenses are incurred in the proclamation of sale, as for instance by advertising in the Newspapers, &c., such expenses must be met from the sale proceeds of the property sold under section 289 of the Civil Procedure Code.

3. Process fees may be levied as heretofore on Warrant of Sale.

4.       \*               \*               \*               \*               \*               \*

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[Stamps—Judicial.]

*Punching of Stamps.*

## GOVERNMENT OF INDIA FINANCE AND COMMERCE DEPARTMENT.

## RESOLUTIONS.

No. 1763.—*Dated Simla, the 24th July 1873.*

The Governor-General in Council has recently had under consideration the best method of cancelling adhesive Court Fee labels, so that they may not be fraudulently used again.

2. Under Act VII of 1870, section 30, Court Fee labels are cancelled by punching out the figure head. But this does not perhaps afford sufficient protection, and pending further consideration of the subject the Governor-General in Council directs that the Record Keeper of every Court shall when a case is decided, and the record consigned to his custody, punch a second hole in each label distinct from the first, and note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

ORDERED.—Ordered that the foregoing Resolution be communicated to the several Local Governments and Administrations.

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No. 3047.—*Dated Simla, the 5th September 1883.*

READ AGAIN—

Financial Resolution No. 1763, dated 24th July 1873, regarding the punching of a second hole in the Court Fees Labels.

READ ALSO—

A letter No. 1988, dated 16th July 1883, from the Registrar of the High Court, Bengal.

Resolution—It was directed in Financial Resolution No. 1763, dated 24th July 1873, that the Record Keeper of every Court shall, when a case is decided and the record consigned to his custody, punch a second hole in each label distinct from the first, which is prescribed by section 30 of the Court Fees Act, and note the date of doing so at the same time.

## Stamps—Judicial.]

### *Suits Valuation Act.*

These directions apply only to adhesive labels used under the Court Fees Act. Impressed stamps used for denoting Court fees need not be cancelled or punched otherwise than as required by Section 30 of the Court Fees Act.

Ordered that the foregoing Resolution be communicated to the several Local Governments and Administrations for information and guidance. Ordered also that a copy of the Resolution be forwarded to the Registrar of the High Court, Calcutta, for information, with reference to his letter No. 1988, dated 16th July 1883.

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## SUITS VALUATION ACT, 1887.

### RULES UNDER SECTION 9 OF THE SUITS VALUATION ACT, 1887.

[a] No. 563-719.—*Abu, the 7th June 1888.*

Whereas the subject-matter of the following classes of suits does not admit of being satisfactorily valued, the Chief Commissioner of Ajmere-Merwara is pleased to direct, in supersession of Notification No. 1111-719, dated the 10th September 1887, published at page 539 of the *Gazette of India*, Part II of 17th *idem*, that they shall be treated for the purpose of the Court-fees Act 1870, and of the Suits Valuation Act, 1887, and the Ajmere Courts Regulation 1877, as if their subject-matter were of the value hereinafter stated.

(1) Suits in which the plaintiff in the plaint asks for a decree against the other party to the alleged marriage either alone, or with other defendants for restitution of conjugal rights, or for a decree for the recovery of a wife.

(2) Similar suits for a decree establishing, or annulling, or dissolving a marriage.

(3) Suits in which the plaintiff in the plaint asks for a decree establishing a right to the custody or guardianship of a minor, including guardianship for the purpose of marriage.

(4) Suits in which the plaintiff in the plaint asks for a decree establishing, or annulling an adoption, including under the expression "adoption" the customary appointment of an heir.

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[a] See *Gazette of India*, part II, for 1888, page 293.

## [Stamps—Judicial.]

*Suits Valuation Act.*

VALUE.—The value of suits of these four classes shall be deemed to be as follows :—

(a) For the purpose of the Court Fees Act—

Suits of class 1, Rs. 100.

Suits of classes 2, 3, and 4, Rs. 200.

(b) For the purpose of Suits Valuation Act, 1887, and the Ajmere Courts Regulation, 1877, such sum exceeding Rs. 500, and not exceeding Rs. 1,000, as the plaintiff shall specify in the plaint.

(5) Suits by a plaintiff during the lifetime of a person alleged to have a restricted power of alienation in respect of immoveable property, in which the plaintiff in the plaint seeks to have an alienation of immoveable property made by such person declared to be void except for the life of such person or for some other determinate period.

VALUE.—When the alienation is by a written instrument which declares the value of the interest purporting to be created, or the amount of the consideration for which the alienation is made, such value or amount. In other cases the value, at the date of institution of the suit, of the property alienated.

EXPLANATION.—When a property alienated is a right of occupancy in land, the value shall be deemed to be half the value of the land discharged from such right of occupancy.

(6) Suits in which the plaintiff in the plaint asks for accounts only, not being suits for the amount which will be found due to the plaintiff on taking unsettled accounts between him and the defendant, or suits of either of the kinds described in Section 213, Civil Procedure Code.

(7) Suits in which the plaintiff in the plaint seeks to establish or to negative any right hereinafter mentioned with or without any injunction, and with or without damages, *viz.*, a right of way; a right to open, or maintain, or close a door or a window or a drain or a water shoot (parnala); a right to or in a watercourse or to use of water; a right to build, or raise, or alter, or demolish a wall, or to use an alleged party wall or joint staircase.

**Stamps—Judicial.]***Suits Valuation Act.*

## VALUE.—

- (1) If damages are not claimed, such amount exceeding Rs. 100, and not exceeding Rs. 500, as the plaintiff may state in the plaint.
- (2) If damages are claimed, the amount of such damages increased by Rs. 100.

## Explanation to the foregoing rules :—

- (1) The term “plaint” includes an amended as well as an original plaint.
  - (2) Classes 1 and 2 do not include petitions under any special Act relating to the dissolution of marriage.
  - (3) Class 3 does not include proceedings under Act XIII of 1874.
  - (4) A suit falling within any of the above descriptions shall not be deemed to be excluded therefrom merely because the plaint also seeks additional relief, which is capable of valuation.
-

## [Stamps—Non-Judicial.]

*Reductions and remissions of Stamp duties.*

## STAMPS—NON-JUDICIAL.

## REDUCTIONS AND REMISSIONS OF STAMP DUTIES.

[a] *No. 2897 S. R., dated 7th June, 1894.*

(As amended by Government of India Notifications Nos. 3164, dated 5th July 1895, 3484 SR, dated 23rd July 1895, and 712, dated 13th February 1896 respectively.)

Under section 8 of the Indian Stamp Act, I of 1879, it is hereby notified that, in exercise of the power to reduce or remit, whether prospectively or retrospectively, in the whole or any part of British India, the duties with which (a) any instruments, or (b) any particular class of instruments, or (c) any of the instruments belonging to such class, or (d) any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, the Governor-General in Council has been pleased—

(1) To direct that the duties chargeable on the instruments specified in the first column of the first schedule to this Notification shall be reduced to the amounts respectively indicated in the second column of that schedule, and

(2) To remit the duties chargeable on the instruments specified in the second schedule to this Notification.

2. All previous Notifications under section 8 of the Indian Stamp Act, I of 1879, are hereby cancelled, but not so as to affect their past operation.

## THE FIRST SCHEDULE.

*Instruments on which Stamp-duty is reduced.*

1	2
Description of Instrument.	Proper Stamp-duty.
1. <i>Agreement</i> executed for service or for performance of work in a coffee-plantation in the Madras Presidency, Coorg or Mysore, when the advance given under the agreement does not exceed twenty rupees.	One anna.
2. <i>Charter-party</i> containing a clause as to the payment of compensation in case of breach of the contract evidenced thereby.	One rupee.

[a] *Gazette of India*, 1894, part I, page 342.

NOTE.—With effect from 1st July 1899 this Notification is to be read subject to the provisions of the new Stamp Act II of 1899.—Section 24 of Act X of 1897.

**Stamps—Judicial.]***Suits Valuation Act.***VALUE.—**

- (1) If damages are not claimed, such amount exceeding Rs. 100, and not exceeding Rs. 500, as the plaintiff may state in the plaint.
- (2) If damages are claimed, the amount of such damages increased by Rs. 100.

**Explanation to the foregoing rules:—**

- (1) The term “plaint” includes an amended as well as an original plaint.
  - (2) Classes 1 and 2 do not include petitions under any special Act relating to the dissolution of marriage.
  - (3) Class 3 does not include proceedings under Act XIII of 1874.
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## [Stamps—Non-Judicial.]

*Reductions and remissions of Stamp duties.*

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[a] *Gazette of India*, 1894, part I, page 342.

NOTE.—With effect from 1st July 1899 this Notification is to be read subject to the provisions of the new Stamp Act II of 1899.—Section 24 of Act X of 1897.



## Stamps--Non-Judicial.]

*Reductions and remissions of Stamp duties.*

1	2
Description of Instrument.	Proper Stamp-duty.
<p>3. <i>Instrument evidencing an agreement to secure the repayment of a loan made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage.</i></p> <p>(a) When the loan is repayable not more than three months from the date of the Instrument.</p> <p>(b) When the loan is repayable more than three months, but not more than one year, from the date of the Instrument.</p>	<p>Half the duty chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article 11 (b), on a Bill of Exchange for the amount secured.</p> <p>The same duty as that chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article 11 (b), on a Bill of Exchange for the amount secured.</p>
<p>4. <i>Instrument of gift of shares in a Company or Association ...</i></p>	<p>The same duty as that chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article 60 (a), on a transfer of shares for a consideration equal to their value, as set forth in the instrument of gift.</p>
<p>5. <i>Instrument of partition of land held on settlement for a period not exceeding thirty years and paying the full assessment to the Government.</i></p>	<p>Not to exceed the amount chargeable on a valuation of the land at five times the annual revenue.</p>
<p>6. <i>Power-of-attorney of the kind specified in the Indian Stamp Act, I of 1879, Schedule I, Article 50 (b), when required in suits or proceedings under the Presidency Small Cause Courts Act, XV of 1882.</i></p>	<p>Eight annas.</p>
<p>7. <i>Proxy executed by a female, empowering any person to vote—</i></p> <p>(a) <i>at any one election of members of a Local Board, held under the provisions of the Bombay Local Boards Act (Bombay Act I of 1884), or</i></p> <p>(b) <i>at any one election of Municipal Commissioners held under the provisions of the Bombay District Municipal Act Amendment Act (Bombay Act II of 1884).</i></p>	<p>One anna.</p>
<p>8. <i>Policy of Insurance against Railway accidents for a single journey only when issued to a passenger travelling by the first class or the second class on any railway.</i></p>	<p>One anna.</p>

## [Stamps-Non-Judicial.

*Reductions and remissions of Stamp duties.*

## THE SECOND SCHEDULE.

*Instruments exempted from Stamp-duty.*1. *Agreements—*

- (a) Of the kind described in the Dekkhan Agriculturists' Relief Act, XVII of 1879, section 43;
- (b) Such written agreements with respect to enhancement of rent of ex-proprietary or occupancy tenants as are referred to in the North-Western Provinces Rent Act, XII of 1881, section 12, clause (a);
- (c) Executed under the Indian Emigration Act, XXI of 1883, section 35, sub-section (1);
- (d) Made under Act II of 1836 (*An Act for imposing a tax on income derived from sources other than agriculture*), section 9, sub-section (2);
- (e) Respecting the occupancy of land, whether surveyed or not, and the payment of the land-revenue therefor, executed under the Bombay Land-revenue Code (Bombay Act V of 1879) or any Rules made under that Act;
- (f) Or declarations, by which a tender made to an Executive Commissariat Officer is accepted as a contract, when the deposit of the contractor as security for his contract is made in Government of India Loan Notes or in cash;
- (g) Agreement papers passed by Commissariat contractors when their security deposits are transferred to a Savings Bank;
- (h) Made with Railway Companies or Administrations for the conveyance of goods;
- (i) Made with Railway Companies or Administrations, which purport to limit the responsibility of those Companies or Administrations as declared by the Indian Railways Act IX of 1890, section 72, sub-section (1), and are in a form approved by the Governor-General in Council under sub-section (2) of that section;

## Stamps—Non-Judicial.]

### *Reductions and remissions of Stamp duties.*

- (j) Or indemnity bonds given to Railway authorities by consignees (when the railway receipt is not produced) in respect of the delivery of articles carried at half parcels rates, namely, fresh fish, fruits, vegetables, bazar baskets, bread, meat, ice, and other perishable articles;
- (k) And security bonds required to be executed under the rules to regulate appointments and promotions in the Provincial Forest Service, by students and their sureties previous to entry into the Forest School, Dehra Dun.
- (l) Instruments in the nature of a memorandum or agreement furnished to or made or entered into with the Forest Department by contractors for the due performance of their contracts.

### *Articles of Association—*

*See clause 11, infra.*

### 2. *Bills of Exchange—*

Drawn in Mysore, the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, or the Cantonment of Sikandarabad on which the full rate of stamp-duty has been paid there, when the same are negotiated in British India.

### 3. *Bills of Lading—*

executed out of British India and relating to property to be delivered in British India.

### 4. *Bonds—*

#### Security-bonds—

- (a) taken, under the authority of the Government, from medical students of the Apothecary, Assistant Surgeon and Hospital Assistant classes, and their sureties;
- (b) executed under No. 3-A of the rules made by the Governor of Bombay in Council under the Bombay Irrigation Act (Bombay Act VII of 1879), section 70.

*See also clause 1 (i) and (k), supra.*

## [Stamps—Non-Judicial.]

*Reductions and remissions of Stamp duties.*5. *Cheques—*

drawn in Mysore, the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, or the Cantonment of Sikandarabad on which the full rate of stamp-duty has been paid there, when the same are negotiated in British India.

6. *Copies or Extracts—*

(a) copies of instruments which the Village Registrar has to deliver to the parties under the Dekkhan Agriculturists Relief Act, XVII of 1879, section 58;

(b) copies of, or extracts from, baptismal, marriage or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergymen, and diocesan or marriage Registrars and granted to—

(1) soldiers, sailors or non-commissioned or petty officers, or

(2) persons in needy circumstances, in whose favour Chaplains may exercise the discretionary power vested in them by rule IV of Division III of the rules published under Notification No. 103, dated the 20th June, 1885, in The Gazette of India of the 27th idem, Part I, page 346 :

[N.B.—This exemption is in respect of any stamp-duty with which the copies or extracts might otherwise be chargeable.]

(c) *copies of entries—*

(i) in the certified copies of registers, given under the Births Deaths and Marriages Registration Act, VI of 1886, section 8;

(ii) in register books, granted by any Registrar of Births and Deaths under the said Act, section 25, or

(iii) in registers and records, given under the said Act, section 35, when applied for by a soldier, sailor, non-commissioned officer or petty officer;

(d) copies or extracts certified by patwaris to be true copies of, or true extracts from, records or papers which they are required to prepare or keep by any rule made by the Chief Commissioner under the Central Provinces Land-revenue Act, XVIII of 1881, section 146, when the copy or extract is furnished by a patwari to a malguzar or tenant of or in the village with which the copy or extract is concerned.

## Stamps—Non-Judicial.]

### *Reductions and remissions of Stamp duties.*

#### 7. *Debentures—*

- (a) debenture bonds issued by a Joint Stock Company under the terms of a mortgage-deed making over in whole or in part the property of the Company to trustees for the benefit of the debenture-holders, and interest coupons attached to the said debentures :
- (b) the debenture bonds of the loan of Rs. 20,00,000 raised by the Government of His Highness the Maharaja of Mysore for the construction of a line of railway from Bangalore or Tiptoor when the said bonds are negotiated in British India :
- (c) the debentures specified by date, number and value in the appendix hereto :

[N.B.—This exemption is in respect of any stamp-duty with which the debentures might otherwise be chargeable, whether on issue, renewal, sub-division or consolidation.]

#### 8. *Instruments—*

- (a) executed for the purpose of securing the repayment of loans made or to be made under the Agriculturists' Loans Act, XII of 1884, or under rule 147 of the rules framed under the Burma Land and Revenue Act, II of 1876;
- (b) in the nature of a memorandum or agreement furnished to, or made or entered into with, Executive Commissariat Officers by Contractors;
- (c) in the nature of a memorandum or agreement furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department or the Public Works Department, by Contractors for the due performance of their contracts ;
- (d) executed by officers of the Government or their sureties to secure the due accounting for property received by those officers by virtue of their office ;
- (e) whereby proprietors and others in the Central Provinces engage with the Government for the maintenance and remuneration of patwaris ;
- (f) conveyances by endorsement of rights secured by instruments known as "Sattas" (this clause applies only to the Central Provinces)

## [Stamps—Non-Judicial.

*Reductions and remissions of Stamp duties.*

- (g) pattas granted by an officer of the Government or by any assignee of Government revenue in the Madras Presidency to holders of land under raiyatwar settlements;
- (h) sanads of jagirs and other documents conveying lands granted to individuals by the Government otherwise than for a pecuniary consideration;
- (i) of exchange executed by private persons when land is given by them for public purposes in exchange for other land granted to them by the Government;

[N. B.—This exemption is in respect of the stamp-duty which would otherwise be payable by private persons under section 29, clause (f), of the Indian Stamp Act, I of 1879.]

- (j) contracts executed in accordance with the provisions of the Assam Labour and Emigration Act, I of 1882, for service in Assam under the Chief Commissioner in the Public Works Department, or under District Committees constituted under the Assam Local Rates Regulation, III of 1879;
- (k) deed of dower executed on the occasion of a marriage between Muhammadans;
- (l) evidencing an ordinary pawn transaction, where money is borrowed on the pledge of moveable property, and the sum borrowed does not exceed twenty rupees.

9. *Leases and Counterparts—*

- (a) leases granted by the Government under rules made under the Indian Forest Act, VII of 1878, section 31, or purporting to be so granted, of land situated in a protected forest in any of the following villages in the Akola Taluka of the District of Ahmednagar in the Presidency of Bombay, namely:—

Ambit	Pachnai,
Ghatghar,	Panjre,
Kumshet,	Samrad,
Lohali Kotul,	Shinganvadi,

Uddavne;

- (b) leases granted under rule 31 of the rules published by the Government of Bombay under the Bombay Land-revenue Code (Bombay Act V of 1879);

**Stamps—Non Judicial.]***Reductions and remissions of Stamp duties.*

(c) leases of fisheries granted under the Upper Burma Land and Revenue Regulation, III of 1889, section 32;

(d) leases or counterparts thereof executed at the time of settlements made directly by the Government with existing occupants of land, whether zamindars or tenants, and whether self-cultivating or not: provided that no fine or premium is paid in consideration of the lease;

**10. Letters—**

(a) letter which a person depositing money in a District Savings Bank or Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required by the rules of the Savings Banks to address to the Secretary to the District Savings Bank or the Post Master in charge of the Post Office Savings Bank, agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon:

“Local authority” in this clause means a municipal committee district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund;

(b) letter of-authority or power-of attorney executed for the sole purpose of authorising one or more of the joint holders of a Government security to give on behalf of the other or others of them, or any one or more of such other joint holders, a discharge for interest payable on such security or on any renewed security issued in lieu thereof.

**11. Memorandum and Articles of Association—**

Of any Association registered under the Indian Companies Act, VI of 1882, section 26.

**12. Policy of Insurance—**

Policies of life-insurance and contracts for monthly allowances granted by the Director-General of the Post Office of India in accordance with the rules for Postal Life Insurance and

## [Stamps—Non-Judicial.]

*Reductions and remissions of Stamp duties.*

Monthly Allowances issued under the authority of the Government of India.

Policy of insurance against railway accidents valid for a single journey only when issued to a passenger travelling by the intermediate or to the third class on any railway.

13. *Powers of Attorney*—

- (a) furnished to relatives, servants or dependents under the Dekkhan Agriculturists' Relief Act, XVII of 1879, section 68.
- (b) executed in favour of lambardars or khatedars by opium cultivators who do not attend personally to receive advances or to enter into contracts for the cultivation of opium.

*See also clause 10, supra.*

14. *Receipts*—

- (a) given by mounted Police Constables, on account of their pay and allowances ;
- (b) given by the addressee for deposits exceeding twenty rupees made for the payment of replies to telegraphic messages ;
- (c) endorsed by the payee on Postal Money Orders ;
- (d) given by Railway Companies or Administrations for fares for conveyance of passengers or goods, or both, or animals, and to such Companies or Administrations for refunds of overcharges made in respect of such fares ;
- (e) given for payment of interest in Government Promissory Notes ;
- (f) given by, or on behalf of, depositors in Post Office, District Presidency or State Railway Savings Banks, or in the East Indian Railway Savings Bank for sums of money withdrawn from any of those Banks ;

[B. N.—This exemption is in respect of any stamp-duty with which the receipts might otherwise be chargeable.]

[N. B.—This exemption applies in all cases in which the receipts would otherwise be liable to stamp-duty.]

- (g) given by opium cultivators or their representatives and by lambardars and khatedars in the Behar and Benares Agencies for money paid to them by the Government as advances for the cultivation of opium.



**Stamps -Non-Judicial.]***Reductions and remissions of Stamp duties.***15. Share Warrants—**

issued by a Company in pursuance of the Indian Companies Act, VI of 1882, section 30 :

This exemption is in respect of the duty specified in the Indian Companies Act, VI of 1882, section 35, and will only take effect upon payment, as composition for that duty, to the Collector of Stamp-revenue, of—

- (a) three-quarters per centum of the whole subscribed capital of the Company ; or
  - (b) if any Company which has paid the said duty or composition in full subsequently issues an addition to its subscribed capital, three-quarters per centum of the additional capital so issued.
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RULES UNDER SECTIONS 9, 15, 17, 32, 51 AND 56 OF THE INDIAN STAMP  
ACT, 1879.

[1] *Notification No. 2170, dated 22nd May 1891.*

(As amended by Government of India, Notifications Nos. 2208 S.R. dated 10th May 1895, and 3190 S.R. dated 5th July 1895, respectively.)

In exercise of the powers conferred by Sections 9, 15, 17, 32, 51 and 56 of the Indian Stamp Act, 1879, the Governor-General in Council is pleased to make the following rules in supersession of the rules promulgated by Notifications—

No. 1288,		dated the 3rd March 1882.
" 2955,	"	1st December 1882.
" 1444,	"	16th March 1883.
" 3515,	"	16th October 1885.
" 434,	"	28th January 1886.
" 590,	"	5th May 1886.
" 1611,	"	25th June 1886.
" 2727,	"	24th August 1886.
" 5700,	"	26th October 1887.
" 1662,	"	14th November 1890.
" 5881,	"	19th December 1890.

CHAPTER I.—PRELIMINARY.

1. These rules shall come into force throughout British India on the date of this Notification.

2. All words and expressions used in these rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meanings attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely,—

[1] *Gazette of India, 1891, Part I, page 281.*

## Stamps--Non-Judicial]

(a) Impressed stamps, including—

impressed sheets,—that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon, and sold to the public for use by them in accordance with these rules; and

impressed labels, to be affixed and impressed by Government officers as directed in Chapter III of these rules.

(b) Adhesive stamps sold to the public for use by them in accordance with these rules.

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CHAPTER II.—OF IMPRESSED SHEETS.

4. (a) Hundis, other than hundis which can be stamped with an adhesive stamp under section 10 of the said Act, shall be written as follows :

(1) hundis payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word “hundi”;

(2) hundis exceeding Rs. 30,000 in individual value, and hundis payable at more than one year after date or sight, on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in rule 10 (b), or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by rule 10.

(b) Every sheet of such stamped paper shall be of a size not less than  $8\frac{5}{8} \times 5\frac{1}{8}$  inches, and no plain paper shall be joined to it.

(c) The provisions in rule 7 (a) as to the use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to hundi stamps used under this rule.

5. Promissory notes and bills of exchange shall, except as provided by section 10 of the said Act and by these rules, be written on plain impressed sheets or on impressed sheets bearing the word “hundi.”

6. All other instruments chargeable with duty may be written on impressed sheets (other than impressed sheets bearing the word “hundi”), and, except as provided by section 10 of the said Act and by these rules, shall be so written.

7. (a) When two or more impressed sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(b) When a single sheet (other than an impressed sheet bearing the word "hundi") is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument; provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet.

(c) When any instrument of transfer of shares in a company or association is written on an impressed sheet, and the value impressed thereon is subsequently (in consequence of a rise in the market value of such shares) found to fall short of the amount of duty chargeable under article 60 (a), Schedule I of the Act, one or more adhesive "share transfer stamps" hereinafter mentioned may be used to make up the required amount.

8. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, or Lahore, or by the Commissioner of Stamps at Allahabad, or the Sub-Registrar of Deeds at Rangoon.

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### CHAPTER III.—OF IMPRESSED LABELS.

9. Impressed labels may be used for the following instruments and counterparts thereof, namely :—

- (1) administration-bonds ;
- (2) affidavits ;
- (3) appointments made in execution of a power ;
- (4) articles of association of a company ;
- (5) articles of clerkship ;
- (6) bills-of-lading ;
- (7) charter-parties ;
- (8) declarations of trust ;

## Stamps--Non-Judicial.]

- (9) instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property ;
- (10) leases printed or lithographed in an Oriental language when the written matter filled in does not exceed one-fourth of the printed matter ;
- (11) memoranda of association of companies ;
- (12) notes of protest ;
- (13) policies of insurance ;
- (14) revocations of trust ;
- (15) share warrants issued by a company in accordance with section 30 of the Indian Companies Act, 1882 (provided that any such share warrant issued previous to the 14th November, 1890, and bearing an adhesive share transfer stamp denoting the full amount of duty payable on the warrant shall be held to have been duly stamped ;)
- (16) warrants for goods ;

and for the following, when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language :—

- (17) agreements or memoranda of agreements which, in the opinion of the officer empowered to affix the label, cannot conveniently be written on impressed sheets ;
- (18) instruments engrossed on parchment and written in the English style which, in the opinion of such officer, cannot conveniently be written on impressed sheets ;
- (19) awards ;
- (20) bills-of-exchange payable otherwise than on demand and drawn in British India ;
- (21) bonds ;
- (22) certificates of sale ;
- (23) composition-deeds ;
- (24) conveyances ;
- (25) instruments imposing a further charge on mortgaged property ;
- (26) instruments of apprenticeship ;
- (27) instruments of co-partnership ;
- (28) instruments of dissolution of partnership ;
- (29) instruments of exchange ;

- (30) instruments of gift ;
- (31) instruments of partition ;
- (32) leases ;
- (33) letters of license ;
- (34) mortgage-deeds ;
- (35) powers-of-attorney ;
- (36) reconveyances of mortgaged property ;
- (37) releases ;
- (38) settlements ;
- (39) transfers of the description mentioned in article No. 60, clauses (b), (c) and (d) of the first schedule of the said Act.

10. The following officers are empowered to affix these labels to the instruments mentioned in rule 9, namely —

- (a) the Collectors of Calcutta and Karachi and the Hazur Deputy Collector, Karachi, when the Collector is absent from headquarters; and the Collectors of Godavari, Tinnevely, Malabar and South Kanara, and the Treasury Deputy Collectors of those districts when the Collectors are absent from headquarters, and the Sub-Registrar of Deeds at Rangoon and the Treasury Officers, Moulmein, Akyab and Bassein.
- (b) the Superintendents of Stamps at Madras, Bombay, Lahore.
- (c) the Commissioner of Stamps, North-Western Provinces and Oudh ;
- (d) the Superintendent of Stamps (Political Resident), Aden.

11. (a) Every such officer shall, upon any instrument mentioned in rule 9 being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(b) When the stamp-duty amounts to five rupees or upwards, such officer, or some principal assistant of such officer appointed by the Local Government, from time to time in this behalf, shall further write on the face of the label

## Stamps—Non-Judicial.]

or labels his initials, and, when the stamp-duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument immediately under the labels.

In Calcutta the Deputy Collector and the Superintendent of the Stamp Department of the Collector's office, as well as the Collector, are empowered to initial any label or labels, and to attach their usual signatures to any instrument immediately under the labels.

The Superintendent in the office of the Superintendent of Stamps, Lahore, is empowered to initial any label or labels, and to attach his usual signature to any instrument immediately under the labels, during the absence of the Superintendent of Stamps from Lahore

12. (a) The payment of duty on instruments (other than instruments which, under section 10 of the said Act, may be stamped with adhesive stamps) executed out of British India, and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

(b) When any such instrument is taken to the Collector under section 17 of the said Act, the Collector, unless he be Collector of Calcutta or Karachi shall send the instrument to one of the officers mentioned in rule 10, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by rules 11 (a) and 11 (b), and return the same to the Collector for delivery to the person by whom it was produced.

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### CHAPTER IV.—ADHESIVE STAMPS.

13. Bills-of-exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

14. Except as otherwise provided in these rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

15. The following instruments when stamped with adhesive stamps shall be stamped as follows:—

(a) bills-of-exchange, cheques, and promissory notes drawn or made out of British India, and chargeable with a duty of more than one anna, with adhesive stamps bearing the words "Foreign Bill;"

## [Stamps— Non-Judicial.]

- (b) transfers of shares of public companies and associations, with adhesive stamps bearing the words " Share Transfer ;"
- (c) an entry as an advocate, vakil or attorney on the roll of any High Court, with an adhesive stamp bearing the word " Advocate," " Vakil " or " Attorney ;"

(Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The gazetted officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument.)

- (d) notarial acts, with adhesive foreign bill stamps bearing the word " Notarial " printed over them.

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#### CHAPTER V.—MISCELLANEOUS.

16. When it is necessary, under section 15 of the said Act, to denote upon one instrument the payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

17. Every payment made under section 30 of the said Act shall be made in cash.

18. The Collector may require every person claiming a refund or renewal under Chapter VI of the said Act, or his duly authorised agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.

19. Any Magistrate convicting or trying an offender under Chapter VIII of the said Act may grant to any person who may have contributed to the conviction a reward within a limit to be fixed by the Local Government.

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## Stamps—Non-Judicial.]

## CHIEF COMMISSIONER'S NOTIFICATION.

[a] No. 1015 dated 16th September 1889.

In exercise of the powers conferred by Section 3 (7) of the Indian Stamp Act, 1879, the Chief Commissioner of Ajmere-Merwara, is pleased to appoint the Commissioner of Ajmere-Merwara Chief Controlling Revenue Authority for the purposes of the said Act.

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In exercise of the powers conferred by section 9 of the Indian Stamp Act, I of 1879, the Governor-General in Council is pleased to make the following rule :—

The stamp duty payable under Article 22 (a) of Schedule I to the Indian Stamp Act, I of 1879, on certified copies granted under the provisions of the Births, Deaths and Marriages Registration Act, of VI 1886, may be paid by means of adhesive Court-fee labels.

(Notification No. 6717, dated 21st December 1888. *Gazette of India*, 1888, part I, page 584.)

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[Stamps Non-Judicial.

*Rules for regulating the Supply and Sale of Stamps.*

## RULES FOR REGULATING THE SUPPLY AND SALE OF STAMPS.

[a] (SECTION 55 OF THE INDIAN STAMP ACT, 1879.)

The following Rules already published in the Gazette of India, Part II, dated 18th June 1881, are again inserted for information, together with certain subsidiary Rules in *italics*.

I. For the purposes of these Rules, stamps are divided into two classes.

CLASS 1.—Adhesive stamps, sold to the public, for use by them, in the case of instrument mentioned in its Section 10 of Act I of 1879.

CLASS 2.—All other stamps under Act I of 1879.

II. Stamps in class 1 may be sold by any persons, stamps in class 2 shall be sold by ex-officio and licensed vendors in accordance with these rules.

III. The treasurer of each district and such ministerial officers at Tahsils as may be authorized by the Assistant Commissioner, shall be ex-officio vendors; such persons as may be licensed by the Assistant Commissioner, or any other officer empowered by the Local Government to grant licenses shall be licensed vendors.

The Assistant Commissioner, or other officer so authorized, shall make such arrangements for the appointment of licensed vendors as will insure that intending purchasers shall only have to apply to the treasury, when the stamp they require is one for which licensed vendors do not get discount.

*The Assistant Commissioner, Ajmere, will appoint the Tahsildar at each Sub-Treasury in the interior of the District to an ex-officio vendor of stamps; an officer shall also be appointed at Kekri as an ex-officio vendor of general stamps.*

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[a] Chief Commissioner's Notification No. 189, dated 18th March 1882, *Gazette of India*, 1882, part II, page 248.

## Stamps--Non-Judicial]

### *Rules for regulating the Supply and Sale of Stamps.*

*License for the vend of general stamps shall be given only by the Assistant Commissioner of Ajmere, care being taken to guard against monopolies of vend.*

*The Assistant Commissioner of Merwara shall nominate persons to be licensed vendors in Merwara, but the Assistant Commissioner Ajmere, shall grant the licenses; any difference of opinion between the Assistant Commissioners on this point shall be referred to the Commissioner of Ajmere, whose decision shall be final*

IV. Ex-officio vendors shall sell such stamps as they may be directed by the Local Government to sell. Licensed vendors shall sell such stamps as are indicated in their licenses. They should ordinarily be restricted to the sale of stamps of value not exceeding Rs. 10 each.

*Ex-officio vendors shall supply the public and licensed vendors with stamps either class mentioned in Rule I and allow discount at the rates and under the conditions hereinafter prescribed for purchases made from Government.*

*The Collector is authorised to allow stamps of a higher denomination than Rs. 10 and not exceeding Rs. 25 to be sold by a licensed vendor at any place, where, with reference to the requirements of the public, it may appear to him necessary.*

*No discount shall be given on purchases of stamps of class 2 when the stamp exceeds Rs. 50 in value, nor on stamps when less than the minimum quantity mentioned above is purchased at one time.*

V. Every license should be issued in the annexed form (A), and renewed every year, and it may at any time be cancelled by the authority granting it.

VI. Subject to Rule VIII every person who purchases form Government by payment of ready money stamps in class I, shall receive the same at such discount not exceeding the following rates, as may be prescribed by the Local Government :—

Stamps not exceeding in value 8 annas each	...	6½ per cent.
Stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each	... ..	3½ per cent.
Stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50 each	... ..	1⅞ per cent.

## [Stamps—Non-Judicial.]

*Rules for regulating the Supply and Sale of Stamps.*

[a] (A.) When any instrument is to be written on an impressed sheet, if the amount of duty with which such instrument is chargeable does not exceed one hundred rupees, a single sheet shall be used, unless, where the application for the required stamp is made at a treasury the officer in charge of such treasury, or

When such application is made to a stamp vendor, the vendor certifies that he is unable to furnish a single stamp of the required value.

(B). When the amount of duty chargeable in respect of any instrument exceeds one hundred rupees, or a Treasury Officer or stamp vendor has certified under clause (A) that he is unable to furnish a single stamp of the required value, the number of sheets used for indicating the payment of duty shall not exceed the number which the Treasury Officer or the stamp vendor certifies in either case to be the smallest number which he can furnish so as to make up the required amount.

(C). No certificate shall be made under clause (A) or clause (B) by a stamp vendor in any case in which the stamp duty required exceeds the highest value of the stamps which such vendor is authorized to sell.

*When an instrument has to be written on more than one impressed sheet owing to a sheet of proper value not being available, and when more than one sheet is therefore furnished under the certificate of the Treasury Officer or stamp vendor as ordered in Rule VI, the instrument must be so written that each of such sheets shall contain a portion thereof [b].*

*The following rates of discount are prescribed as payable to any person purchasing from Government by payment of ready money. Stamps in class 1 subject to the conditions attached to Rule VIII :—*

<i>Stamps not exceeding in value 8 annas each</i>	<i>...</i>	<i>Rs. 6-4-0 per cent.</i>
<i>Stamps exceeding in value 8 annas each, but not</i>		
<i>exceeding in value Rs. 5 each</i>	<i>...</i>	<i>Rs. 3-2-0 per cent.</i>
<i>Stamps exceeding in value Rs. 5 each, but not</i>		
<i>exceeding in value Rs. 50 each</i>	<i>...</i>	<i>Rs. 1-9-0 per cent.</i>

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[a] These rules, viz. VI (A), (B) and (C) are now virtually superseded by those published under Notification No 899, dated 7th August 1891. See page 1519, *infra*.

[b] See the General Rules of Stamps.

## Stamps—Non-Judicial.]

### *Rules for regulating the Supply and Sale of Stamps.*

VII. Subject to Rule VIII, every licensed vendor who purchases from Government by payment of ready money stamps of class 2, shall receive the stamps at such discount not exceeding the following :—

Vendors licensed at places where stamps are sold by

Government	...	...	...	3 per cent.
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Vendors licensed at other places	...	...	5 per cent.
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*The following rates of discount are prescribed by the Chief Commissioner as payable to any licensed vendor who purchases from Government by payment of ready money, provided an aggregate value of not less than Rs. 10 is purchased at one time :—*

*Vendor licensed at places where stamps are sold by*

Government	...	...	Rs. 3-2-0 per cent.
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Vendors licensed at other places	...	...	„ 6-4-0 „
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VIII. No discount shall be given on account of the purchases of any stamp exceeding Rs. 50 in value, nor on any stamp applied on material furnished by the purchaser himself, nor if there be purchased at one time less than the quantity which may be prescribed by the Local Government in respect of any class or value of stamps.

*When a licensed vendor is supplied with stamps without payment in ready money, the rate of discount shall be half the rates given in Rule VI.*

*Stamps exceeding Rs. 5 shall not be supplied without payment.*

Class 2 stamps—

At the Sudder Station	...	...	Rs. 2 0 0
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Elsewhere	...	...	3 0 0
-----------	-----	-----	-------

*In each case when stamps are supplied without payment the sanction of the Assistant Commissioner shall be obtained by the Treasury Officer, and security of double the value of stamps so given shall be taken from the licensed vendor.*

IX. The Local Government may authorize licensed vendors to be supplied with stamps of either class without requiring payment in ready money. Such licensed vendors may receive commission on these stamps sold by them at a rate to be prescribed by the Local Government not exceeding 2 per cent. In this case sufficient security shall be taken from the licensed vendors for the payment of any sum due by them to Government.

## [Stamps.—Non-Judicial.]

*Rules for regulating the Supply and Sale of Stamps.*

X. Every licensed vendor shall at all times have affixed, in a conspicuous position outside the place of sale, a sign-board bearing the name of the vendor with the words "licensed vendor of stamps" in English and in the Vernacular language of the district. He shall also have in the place of vend the Acts of the Legislature and their schedules referring to the stamps sold by him, together with these rules in English and Vernacular, placed so that they can readily be seen and read by purchasers.

XI. Every ex-officio or licensed vendor shall write on the back of every stamp of class 2 which he sells a serial number, the date of sale, the name and residence of the purchaser, and the value of the stamp in words as well as figures. To this endorsement his own signature shall be attached. At the same time he shall make corresponding entries in a register to be kept by him in such form as the Local Government may prescribe. No such vendor shall knowingly make a false endorsement on the stamp sold, or a false entry in his register.

*Every ex-officio or licensed vendor shall keep a register in the following form, which shall be written up daily:—*

## REGISTER OF DAILY SALES OF STAMPS.

Date of Sale.	Description of stamps.	Serial No. of stamp.	Value of stamp in words.	Name of purchaser and father's name.	Residence of purchaser.	Purpose for which required.	REMARKS.

## Stamps—Non-Judicial.]

### *Rules for regulating the Supply and Sale of Stamps.*

*The Treasury Officer will satisfy himself that this register is properly kept up by each licensed or ex-officio vendor.*

XII. Every licensed vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Assistant Commissioner of the district.

A licensed vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.

XIII. No vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

XIV. Every vendor shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Assistant Commissioner or any officer duly authorized by such Assistant Commissioner or by the Local Government at any time to inspect the accounts and register which he is required to keep under Rule XI. and to examine the store of stamps in his possession.

[a] XV. Every licensed vendor of stamps shall at any time on the demand of any of the officers named on the margin deliver up all stamps remaining in his possession. If such stamps were originally paid for, their value will be refunded by Government on the terms

The Assistant Commissioner, Ajmere.  
The Assistant Commissioner, Merwara.  
The Cantonment Magistrate, Nasirabad.  
The Deputy Magistrate of Kekri.

described beneath :—

(a) When stamps are returned on—

- (1) resignation of the vendor's license;
- (2) revocation of license for any fault of the licensee;
- (3) death of the vendor;
- (4) application of the vendor for leave to restore any stamps, the stamps shall be taken back at their full value, less a deduction of one anna in the rupee; but,

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[a a] This rule was substituted for the old rule XV by Chief Commissioner's Notification No. 293-673, dated 17th March 1893, *Gaz. of India*, Part II for 1893, page 214. The rule has been framed with reference to Government of India Finance and Commerce Department Resolution No. 307 E.R., dated the 23rd January 1893.

N.B. Rules XVI and XVII added by Chief Commissioner's Notification No. 573, dated the 11th July 1894, are omitted here, and printed under the head "Judicial Stamps" to which they refer

## Stamps—Non-Judicial.

*Rules for regulating the Supply and Sale of Stamps.*

(b) When stamps are returned on—

(5) expiration of license ;

(6) recall of stamps by Government ;

(7) revocation of license for any cause other than that mentioned in (2), they shall be taken back at their full value, less only any discount allowed on their sale to the licensed vendor. [a]

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FORM A.

License for vend of stamps under Act I of 1879 for the year  
to                      son of                      resident of

You are hereby authorized, agreeably to the provisions of section  
Act                      of 18   , to sell general stamps under the conditions herein  
set forth.

1. Stamped papers and adhesive stamps of value not exceeding Rs.  
each that you may obtain from a treasury, shall alone be sold.

2. You will note on the back of every impressed bi-color stamp you sell the serial number, date of sale, name and residence of the purchaser, and the value of the stamp in words as well as figures, and attach your signature to this endorsement. These particulars you will also note in your sale register to be kept in such form as may be, from time to time, prescribed.

3. You shall not knowingly make a false endorsement on a stamp sold or a false entry in your registers.

4. You are required to deliver any stamp in your possession for sale that may be demanded on tender of its value in any currency which would be accepted on behalf of Government by the Collector of the District.

[1] 4. (a) If an application be made to you for an impressed stamp of a value you are authorized to sell, and you are unable to furnish such stamp, you, in furnishing the smallest number of such stamps of lower value as would make up the required amount, shall grant to the purchaser a certificate to the effect that you are unable to furnish a single stamp of the

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[1] Condition 4 (a) was inserted by Notification No. 899, dated 7th August 1891, vide *Gazette of India*, part II for 1891, page 443.



**Stamps—Non-Judicial.]***Rules for regulating the Supply and Sale of Stamps.*

required value, provided that you shall grant no such certificate if, at the place where you are licensed to sell stamps, there is a treasury. Provided also that you shall grant no certificate in any case in which the stamp required exceeds the highest value of stamps you are authorized to sell.

5. You shall not sell any stamps that may be declared obsolete.

6. You shall not demand or accept for any stamp other than the actual value denoted thereon.

7. You shall at all times have affixed in a conspicuous position outside the place of sale, a sign-board bearing your name with the words "licensed vendor of stamps" in English and in the Vernacular language of the district. You shall also have in the place of vend the Acts of the Legislature and their Schedules referring to the stamps sold by you, together with the rules for regulating the sale of general stamps framed under section 68 of the General Stamp Act, in English and in the said Vernacular, placed so that they can be readily seen and read by purchasers.

8. You shall keep and render such accounts as may be prescribed by the Local Government, and shall allow the Collector of the District or any officer duly authorized by such Collector or by the Local Government at any time, to inspect the accounts and register which you are required to keep under Rule XI, and to examine the store of stamps in your possession.

9. You shall be liable for any infractions of these conditions to the penalties prescribed in section 68, Act I of 1879.

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## NOTIFICATION.

[1] *No. 899, dated Abu, 7th August 1891.*

With reference to this office Notification No. 189, dated the 18th March 1882, and in exercise of the powers conferred by section 55 of the Indian Stamp Act 1879, the Chief Commissioner, with the previous sanction of the Governor-General in Council, is pleased to issue the following rules for the guidance of Treasury officers and stamp vendors in Ajmere-Merwara.

1. When an application for an impressed stamp of a certain value is made at a Treasury or to a licensed stamp vendor, and the officer in charge of such treasury or such stamp vendor is unable to furnish a single stamp of that value, he, in furnishing the smallest number of such stamps of lower values as would make up the required amount, shall certify that he is unable to furnish a single stamp of the required value.

2. No certificate shall be granted under the above rule by a stamp vendor in any case in which the stamp required exceeds the highest value of the stamps which such vendor is authorized to sell; nor, if at the place where he is authorized to sell stamps, there is a treasury.

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[1] See *Gazette of India*, part II for 1891, page 443.

**Stamps—Non-Judicial.]**

RESOLUTION.—Under Section 79 of Act XV of 1872, every person solemnising a marriage, and required under the Act to register the same, and every Marriage Registrar or Secretary to a Local Government having the custody for the time being, of any Register of Marriages, shall on payment of the proper fees, give a copy under his hand of any entry in any Register of Marriages in his custody. Such copies, or extracts certified to be true copies, or extracts by or by order of, any public officer, and not chargeable under the Court Fees Act, are, unless granted for record in any public office or for any public purpose, liable to a stamp duty of 8 annas each under clause (a) of Article 22, Schedule I, of the Indian Stamp Act, 1879, except in cases provided for in Notification of the Government of India No. 1603, dated 9th June 1882, [a]. But as it has been represented that the practice of granting such copies or extracts on stamped paper is not universally followed, the Governor-General in Council desire to invite the attention of the Local Governments to the requirements of the law with a view to the issue of such further orders as may be considered necessary. (Finance and Commerce Department Resolution No. 1605, dated 9th June 1882.)

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[a] Superseded by No. 2897 S.R., dated 7th June, 1894. *Gazette of India*, 1894, part I, page 342.

## GOVERNMENT OF INDIA.

## DEPARTMENT OF FINANCE AND COMMERCE.

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RESOLUTION.

No. 125, *Fort William, the 14th January 1881.*

Under chapter VI of the Indian Stamp Act 1879, provision is made for the renewal or refund of the value of Stamps spoiled or rendered useless, or which for any reason are not required by the possessor, on the condition that application for such renewal or refund shall be made within six months from the date on which the stamp was spoiled, or on which it was rendered useless, or on which it was purchased.

Instances have occurred in which this limit has operated as a serious hardship. Without any fraudulent motive, holders of spoiled or useless stamps are sometimes unavoidably prevented from applying for refund or renewal within the prescribed period, and so cannot under the provisions of the Act, obtain any relief. In such cases an order of the Government of India is now necessary before refund can be sanctioned. For the future the Governor-General in Council authorizes Local Governments to allow refunds or renewals of spoiled or useless stamps, or the re-purchase of stamps not required, provided that application for renewal or refund be made within one year from the date of purchase of the stamps, or one year from the date on which the stamp has been spoilt or rendered useless.

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Ordered that the foregoing Resolution be communicated to several Local Governments and Administrations for information and guidance.

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## Stamps—Non-Judicial.]

## GOVERNMENT OF INDIA.

## FINANCE AND COMMERCE DEPARTMENT.

SEPARATE REVENUE  
Stamps

## NON-JUDICIAL STAMPS.

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RESOLUTION.

No. 4435, dated Simla, the 27th October 1891.

Read again—

Resolutions in the Department of Finance and Commerce, Nos. 2090, dated the 10th July 1884, and 2345, dated the 26th December 1884.

Read—

Resolution in the Department of Finance and Commerce, No. 132, dated the 11th January 1888.

Letter from the Government of Bengal, No 269 T.F., dated the 29th September 1891

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RESOLUTION.—By the Resolution of the 10th July 1884, Collectors were authorised, under certain conditions, to repay to stamp vendors or their representatives the values of non-judicial or Court-fee stamps not spoiled or rendered useless, returned into the Collector's Store, after deduction of any sum paid as discount on the sale of such stamps to the vendors. This order, so far as it related to the case of Court-fee stamps, was superseded by the Resolution of 26th December 1884, and the latter was in its turn rescinded by the Resolution of 11th January 1888, which prescribed a deduction of one anna in the rupee when the value of Court-fee Stamps was refunded. The rule regarding the refund of the value of non-judicial stamps to vendors has, however, remained unchanged, so that a refund granted to them under the existing rules is subject to a deduction in the case of Court-fee stamps of one anna in the rupee, and in the case of general or non-judicial stamps, of the discount allowed on the sale of the stamps to the vendor.

2. The Government of Bengal points out that there appears to be no reason for this inequality of treatment, and suggests that the rules regulating refunds of the value of the two classes of stamps should be assimilated. The Governor-General in Council agrees in this view, and in supersession of the orders of the 10th July 1884, so far as they relate to non-judicial stamps, it is now ruled that when a licensed vendor surrenders his license or dies, the Collector may, at his discretion, if he considers that the circumstances justify the application, repay to him or to his representatives, the values of non-judicial stamps, not spoiled or rendered unfit for use, returned into the Collector's store, deducting one anna in the rupee, or he may issue stamps of other values in exchange.

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ORDER.—Ordered that this Resolution be communicated to the Government of Bengal and to all other Local Governments and Administrations for information and guidance.

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## Stamps--Non-Judicial.]

## GOVERNMENT OF INDIA.

## FINANCE AND COMMERCE DEPARTMENT.

SEPARATE REVENUEStamps.

## RESOLUTION.

No. 307 S.R., dated Calcutta, the 23rd January 1893.

Read—

Resolutions in this Department, Nos. 132 and 4435, dated the 11th January 1888, and 27th October 1891.

Letter from the Government of Bengal, No. 1469, dated 5th April 1892,

Letter to all Local Governments and Administrations (except Bengal) No. 1889, dated 5th May 1892.

Letter from the Chief Commissioner of Burma, No. 472-2S.-8, dated 25th June 1892, and enclosure.

Letter from the Government of Madras, No. 673, dated 30th June 1892.

Letter from the Chief Commissioner of Coorg, No. 1023-425-85, dated the 8th July 1892.

Letter from the Chief Commissioner of Ajmere-Merwara, No. 767-673 dated the 21st July 1892.

Letter from the Chief Commissioner of Assam, No. 3277R., dated 21st July 1892, and enclosure.

Letter from the Resident, Hyderabad, No. 231, dated 5th August 1892, and enclosure.

Letter from the Government of the Punjab, No. 595S., dated 8th September 1892, and enclosure.

Letter from the Chief Commissioner of the Central Provinces, No. 3721, dated 5th October 1892.

Letter from the Government of Bombay, No. 9235, dated 24th November 1892, and enclosure.

Letter from the Government of the North-Western Provinces and Oudh, No. 200, dated 6th December 1892, and enclosures.

## [Stamps—Non-Judicial.]

RESOLUTION.—The Resolutions of 11th January 1888 and 27th October 1891 authorise the refund of the values of judicial and non-judicial Stamps sold to a licensed vendor (subject to certain conditions and to a deduction of one anna in the rupee) when he surrenders his license or when he dies.

2. In April 1892 the Government of Bengal pointed out that the rules prescribed in those Resolutions do not provide for the rate of deduction to be made from the values of stamps refunded to a vendor when stamps are called back from him on public grounds, or when his license is revoked.

In these cases the rules in force in Bengal provide that the vendor shall receive back the value of the stamps returned, less any discount which may have been allowed thereon, and it was suggested that this rule should be assimilated to that which applied to the cases mentioned in paragraph I, the deduction on refund being made at the rate of one anna in the rupee.

3. Local Governments and Administrations were asked to state the rules at present in force on the subject, and whether they concurred in the proposals made by the Government of Bengal. From the replies received it appears that the rules in the several provinces are not uniform, and that while the majority of the Local Governments advocate the proposed deduction in all cases of one anna in the rupee on grounds of uniformity and administrative convenience, others object to it in some cases as being inequitable and unnecessarily hard.

4. It appears to the Governor-General in Council that there is no good reason for treating all cases of the return of stamps in the same way. In some cases the taking back of the stamps is a concession on the part of Government, and it may take them back on any terms that it thinks fit to prescribe; but in cases in which the stamps are recalled for the convenience of Government, it does not seem equitable to levy a fine on the licensed vendor. These latter cases are admittedly few, and there can be but little administrative inconvenience in having a special rule to meet them.

5. It seems, however, to be desirable that there should be a uniform treatment of the same cases in the different Provinces, and the Governor-General in Council is therefore pleased to refer to the consideration of this subject laid down in the Resolutions of 1888 and 1891, that when stamps are turned into the Collector's Store on—



## Stamps—Non-Judicial.]

- (1) resignation of the vendor's licensee,
- (2) revocation of license for any fault of the licensee,
- (3) death of the vendor,
- (4) application of the vendor for leave to restore any stamps, the stamps should be taken back at their full value less a deduction of one anna in the rupee ; but that when they are returned on—
- (5) expiration of license,
- (6) recall of Stamps by Government,
- (7) revocation of license for any other cause than that mentioned in (2),

they should be taken back at their full value, less only any discount allowed on their sale to the licensed vendor.

6. The local Governments should frame or amend their rules in accordance with this decision.

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ORDER.—Ordered that copy of the Resolution be communicated to all Local Governments and Administrations for information and guidance.

## GOVERNMENT OF INDIA.

## FINANCE AND COMMERCE DEPARTMENT.

SEPARATE REVENUE.Stamps.

## RESOLUTION.

No. 5468 S. R.—*dated Calcutta, the 14th December 1898.*

READ again—

Resolution in this Department No. 125, dated the 14th January 1881, and the following letters in this Department:—

- (1) No. 3926, dated the 23rd October 1883.
- (2) No. 2075, dated the 31st December 1883.
- (3) No. 445, dated the 25th April 1885.
- (4) No. 434, dated the 28th January 1887.

READ also—

Letter from the Government of the North-Western Provinces and Oudh, No. 253, dated the 30th September 1898.

OBSERVATIONS.—By the Resolution of 14th January 1881, No. 125 Local Governments, in cases in which holders of spoilt or useless non-judicial stamps had, without any fraudulent motive, been unavoidably prevented from making application within the period prescribed by law, were empowered to allow refunds or renewals of such stamps, provided that application was made within one year from the date of purchase of the stamps, or from the date on which the stamps were spoilt or rendered useless.

In the first three letters, read in the preamble, the above power was delegated to the Commissioners of Divisions in the Bombay Presidency, to the Superintendent of Stamps, Bombay, and to the Political Resident at Aden; and in the letter of 28th January 1887, No. 434, the Government of Bengal was authorised to delegate the same power to the Board of Revenue and also to Commissioners of Divisions when necessary.

## Stamps--Non-Judicial.]

It is now proposed by the Government of the North-Western Provinces and Oudh that authority should be given to Local Governments to delegate to any subordinate authority at their discretion the power to extend the period of application for refunds or renewals on account of non-judicial stamps as above.

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RESOLUTION.—The Governor-General in Council is pleased to authorise Local Governments to delegate to any subordinate Revenue authority above the rank of a Collector the power to deal with applications for refunds or renewals of spoilt or useless non-judicial stamps, under the conditions and within the limits prescribed by Resolution No. 125, [a] dated 14th January 1881.\*

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ORDER.—Ordered that this Resolution be communicated to all Local Governments and Administrations for information and guidance.

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[a] Printed at page 1521, *supra*.

\*The Chief Commissioner has delegated this power to the Commissioner, Ajmere-Merwara, vide Chief Commissioner's letter No. 180C., dated 21st January 1899.

## SANITATION

[a] No. 17.—*Simla, the 30th August 1895.*

Whereas by Resolution passed by the Secretary of State for India in Council on the 16th day of March 1871, the provisions of the 33rd of Vict Chap. 3 sec. 1, were declared applicable to Ajmere and Merwara;

And whereas the Chief Commissioner of Ajmere and Merwara has proposed to the Governor-General in Council a draft of the following Regulation together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken the draft and reasons into consideration and has approved of the draft, and the same has received the Governor-General's assent on the 28th day of August 1895.

In pursuance of the direction contained in the said section the said Regulation is now published in the *Gazette of India* and Local Gazette for Ajmere and Merwara.

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### REGULATION NO. IV OF 1895.

*A Regulation to make better provision for sanitation in villages in Ajmere and Merwara.*

Whereas it is expedient to make better provision for sanitation in villages in Ajmere and Merwara; It is hereby enacted as follows:—

1. (1) This Regulation may be called the Ajmere Village Sanitation Title extent and commencement. Regulation 1895.

(2) It extends to the territories administered by the Chief Commissioner of Ajmere to which the provisions of the Statute 33 Victoria, Chapter 3, section 1, have been declared applicable, and

(3) It shall come into force at once.

2. In this Regulation, unless there is something repugnant in the Definitions. subject or context,

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[a] *Gazette of India*, dated 31st August 1895. part I, page 729.

## Sanitation.]

- (1) "Village" means an inhabited site but does not include a municipality or cantonment; and
- (2) "Well" means a well the water of which is habitually used for drinking purposes by all or some of the inhabitants of a village.

3. (1) The Chief Commissioner may with the previous sanction of the Governor-General in Council make rules to—  
 Power to make rules regarding conservancy, etc.

- (a) Regulate the conservancy of villages.
  - (b) Provide for the protection and periodical examination of wells and the water supply in villages.
  - (c) Define and prohibit public nuisances in villages, and
  - (d) Improve the sanitation of villages in other similar respects.
- (2) The power to make rules under this Regulation is subject to the condition of the rules being made after previous publication, and of their not taking effect until they have been published in the official Gazette and in such other manner as the Chief Commissioner may direct.

4. (1) In making any rule under this Regulation the Chief Commissioner may direct that a breach thereof shall be punishable with fine which may extend to ten rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

- (2) All fines recovered under this Regulation shall be applied as the Chief Commissioner shall, from time to time, direct.
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## CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATION.

[a] No. 1267-930.—*Abu, the 14th October 1896.*

In exercise of the powers conferred by sections 3 and 4 of the Ajmere Village Sanitation Regulation (IV of 1895), and with the previous sanction of the Governor-General in Council, the Chief Commissioner is pleased to make the following rules for the improvement of sanitation in villages in Ajmere-Merwara :—

1. With the previous approval of the Commissioner, the Assistant Commissioner may, by order in writing—

- (1) prohibit the performance of offices of nature in any specified area within or immediately adjoining the inhabited site of any village, if such prohibition is, in his opinion, necessary for the protection of the water-supply or for the comfort of the majority of the inhabitants ;
- (2) direct that any well shall be surrounded by a parapet wall not less than  $2\frac{1}{2}$  feet high ;
- (3) prohibit bathing or washing upon the parapet of any well used for drinking purposes, or the tethering of animals or the deposit of filth or refuse, or the performance of offices of nature within such distance from the well not exceeding 15 feet, as he may specify ;
- (4) direct that the carcasses of all animals which die within the limits of a village shall be removed to places, which may be fixed by him, at a distance of not less than 300 yards from the inhabited portion of the village ;
- (5) direct that all quickly pear or other undergrowth, in or near a village, shall be cleared away wherever he may consider this desirable on sanitary grounds ;

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[a] *Gazette of India*, dated 24th October 1896, part II, page 1086.

## Talukdars or Istimrardars.]

### *Rules for guidance of Istimrardars.*

7. The Istimrardar must then report to the Government Police Station all offences committed within the limits of his Estate or Circle, and the limits of such Circle shall be determined by the Chief Commissioner, from time to time.

8. On the occurrence of any serious offence such as murder or violent rioting, the Istimrardar should, if required by the Police, either depute his Kamdar (Manager), or himself proceed to the spot to assist the Police in their investigation.

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## CHAPTER II.—CRIMINAL DUTIES AS HONORARY MAGISTRATE OR JUDICIAL OFFICER.

9. The Criminal Jurisdiction of Istimrardar extends to the cognizance of such offences as he is competent to try, if committed within the limits of his Circle.

*Exception.*—The Istimrardar is not competent to try or commit for trial any case in which his own relatives or servants are concerned. He must refer complainants to the Magistrate of the District, or the nearest Magistrate having jurisdiction. (*Section 201 Criminal Procedure Code.*)

10. The offences which an Istimrardar is competent to try vary according to the powers with which he has been invested which will ordinarily be of the lowest class at first, to be increased from time to time, as the Istimrardar shows fitness and competence in the discharge of Judicial work.

11. Istimrardars vested with the full powers of a Magistrate of the 1st class are competent to enquire into all offences mentioned in column 8 of Schedule II, annexed to the Code of Criminal Procedure, as triable by the Court of Sessions, under Chapter XVIII of the Procedure Code, and to commit the accused to the Sessions Court for trial. They are also competent to try offences punished under Special and Local Laws, when such offences are cognizable by an officer exercising the full powers of a Magistrate under Sections 5 and 29, C.P.C., and they shall also have the powers mentioned in Section 36 of the C. P. C.

## [Talukdars or Istimrardars.

*Rules for guidance of Istimrardars.*

12. Istimrardars invested with the powers of a Magistrate of the 2nd class, under Sections 12 and 36 of the Criminal Procedure Code, are competent to try any of the offences enumerated in Column 8 of the second Schedule of the C. P. C., as triable by Magistrates of the 2nd Class, and those invested with the powers of a Magistrate of the 3rd Class, under the same Sections of the Code are competent to try any of the offences enumerated in the Schedule annexed to the C. P. C., as triable by such Court.

13. The powers which the three grades of Istimrardars are respectively authorized to exercise in cases within their competence to decide are as follows:—

*Istimrardars exercising the powers of a Magistrate of the 1st Class.*—Imprisonment of either description not exceeding the term of two years, including such solitary confinement as is authorized by law, or fine to the extent of one thousand rupees. Whipping, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code.

*Istimrardars exercising the powers of a Magistrate of the 2nd Class.*—Imprisonment of either description not exceeding six months, including such solitary confinement as is authorized by law, fine not exceeding rupees two hundred Whipping (if the Magistrate is specially empowered in this behalf by the Local Government) or both imprisonment and fine, in all cases in which both punishments are authorized by the Indian Penal Code.

*Istimrardars exercising the powers of a Magistrate of the 3rd Class.*—Imprisonment of either description not exceeding one month, or fine not exceeding rupees fifty, or both imprisonment and fine in all cases in which both punishments are authorized by the Indian Penal Code, but he may not pass a sentence of solitary confinement or of whipping. (*Section 32, Criminal Procedure Code.*)

14. In the course of a trial before a Magistrate, if the evidence shall appear to him to warrant a presumption, that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial, he shall stay proceedings, and shall submit the case to the Magistrate of the District for orders. (*Section 346, Criminal Procedure Code.*)



## Talukdars or Istimrardars.]

### *Rules for guidance of Istimrardars.*

15. If in any case tried by a Magistrate of the 2nd or 3rd Class having jurisdiction in which the accused person is found guilty, such Magistrate shall consider the accused person to call for a more severe sentence than he is competent to adjudge, he may record the finding and if sentence has not been passed may submit his proceedings and forward the accused person to the Magistrate of the District. (*Section 349, Criminal Procedure Code.*)

16. Whenever the Istimrardar imposes a fine or a sentence of which fine forms a part he may order the whole or any part of the fine to be paid in compensation—

- (1.) For expenses properly incurred in the prosecution.
- (2.) For the offence complained of where such offence can in the opinion of the Court be compensated by money, such payment shall be made as the Court thinks fit to, or for the benefit of the complainant, or the person injured or both. The amount so awarded shall not be paid until the period prescribed for presentation of appeal has elapsed, or if an appeal has been presented, till after the decision of appeal. (*Section 545, Criminal Procedure Code.*)

17. All fines received should be sent at the end of the month to the nearest Government Treasury or Tehsil.

18. All trials shall be held by the Istimrardar between the hours of sunrise and sunset, in some place or building to which the public have free access.

19. The trial must be conducted by the Istimrardar in person, *i.e.*, the parties and witnesses must be interrogated, and the decision pronounced by himself.

20. The Depositions and Final Orders should be written in the Hindi character, and where possible by the Istimrardar in his own hand writing.

21. The depositions of the complainant and witnesses must be taken on solemn affirmation and in the presence of the Accused, who should have full opportunity allowed him for cross examining them.

22. No oath or affirmation should be administered to the accused person. (*Section 342, Criminal Procedure Code.*)

## [Talukdars or Istimrardars.

*Rules for guidance of Istimrardars.*

23. Confessions must be taken in the form prescribed for District Courts. in Section 364 Criminal Procedure Code, and the Istimrardar should be particularly cautious that prisoners are not intimidated or coerced into confession, (*Section 343 Criminal Procedure Code.*) No confession or admission of guilt made to a Police Officer, can be used as evidence against a person accused of any offence; nor can any confession or admission of guilt made by any person while he is in the custody of a Police Officer, be used as evidence except a dying declaration, (*see Section 162, Criminal Procedure Code*), unless it be made in the immediate presence of a Magistrate (*vide section 164, Criminal Procedure Code*), unless any fact is deposed to, as discovered in consequence of information received from an accused person, when so much as relates distinctly to the fact thereby discovered may be proved in evidence, (*Section 25, 27, Evidence Act I of 1872.*)

24. All Final Orders *Robkars*, and *Parwanas* must be signed by the Istimrardar himself and bear the seal of his Court. All intermediate orders should bear his signature.

25. The Istimrardar must give copies of his orders to parties applying for them, on their furnishing paper of the proper stamp.

26. Witnesses should not be detained longer than is absolutely necessary.

27. Prisoners who have been convicted, should be despatched at once with a warrant to the District Jail.

28. No delay should occur in sending persons under trial to the Magistrate of the District.

29. Male and Female prisoners should always be kept separate.

30. For the support of prisoners and indigent witnesses, the Istimrardar may disburse sums not exceeding one anna per diem for each person, and charge the amount in a bill to be sent in monthly to the Magistrate of the District. A mohurrir or writer will be provided at Government expense to each Honorary Judicial Officer to keep the Registers and Records, and to do such writing as is required of him by the Istimrardar.

31. If a case is not disposed of on the day it comes for trial, accused

## Talukdars or Istimrardars.]

### *Rules for guidance of Istimrardars.*

person must be detained either in the Lock-up or on bail or on his personal recognizances, according to the provisions of the C. P. C.

32. The Lock-up must be a suitable building, with proper accommodation for both sexes, it must not only be secure, but well ventilated and kept clean and open to inspection by the Magistrate of the District, and a Register of all persons confined therein must be regularly kept up, shewing the time they were received, and the time when they were released.

33. In Act X of 1882 \* (*Criminal Procedure Code*,) a list of all non-bailable offences is given, all other offences are bailable. A charge of abetment of a non-bailable offence is also non-bailable. If the accused is charged with a non-bailable offence, and if there appear reasonable grounds for believing that he is guilty of the offence imputed to him, he must be detained in the Lock-up and cannot be admitted to bail. If the evidence be such as not to raise a strong presumption of the guilt of the accused, he may be admitted to bail though charged with a non-bailable offence.

A person charged with a bailable offence should be admitted to bail at any time before conviction. The amount of bail should never be excessive. In cases in which a summons on complaint shall ordinarily issue, that is, in cases triable by the Magistrate, and punishable under the Indian Penal Code with imprisonment not exceeding six months, the Istimrardar may admit the accused to bail, or allow him to be at large upon his personal recognizance as the Istimrardar may direct. If the accused cannot give bail when required he should be committed to custody.

34. Honorary Magistrates of all kinds are expected to make themselves acquainted with the Provisions of the Criminal Procedure Code, and Indian Penal Code, and to conform precisely in all essentials, such as arrest, bail, sentences, jurisdiction, to the Codes of Law and Procedure, and in all such matters the Appellate Court is bound by Law to interfere, but in all unessential matters of procedure though the Code must be conformed to as far as practicable, the Appellate Court is not allowed to interfere when there has been no failure of justice, and when the accused has not been prejudiced in his defence, but the attention of the Honorary Magistrate should always be called to such deviations from the strict letter of the Law for future guidance and they should be as few as possible.

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\* Now Act V of 1898.

## [Talukdars or Istimrardars.]

*Rules for guidance of Istimrardars.*

35. These rules in no way supersede the Codes of Law and Procedure, they are only circulated as a help to the Honorary Magistrates, and to draw attention to the most important and salient points of the Code.

36. In the trial of cases the Istimrardar will do well to remember the following maxims.

*Hear both sides.*

*It is better for the guilty to escape than for the innocent to be punished.*

*He who by insufficient enquiry causes the guilty to escape is himself condemned.*

Hearsay evidence is not to be admitted. Each witness must speak from his own proper knowledge.

37. The following Registers must be kept up:—

- (1) A Register of all reports received, with the orders passed upon them recorded in the Form shewn in Appendix I.
- (2) A Register of persons under trial, in the form prescribed for District Courts.
- (3) A Return of Fines imposed.
- (4) A Return of charge incurred for dieting prisoners, &c.

And such other Registers and Returns as may be required by the Magistrate of the District.

A copy of the above, four registers must be sent every month to the Magistrate of the District.

- (5) The Monthly and Quarterly Civil and Criminal Statements prescribed for District Courts.

These will be sent monthly and quarterly to the Magistrate of the District.

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CHAPTER III.—CIVIL. AS HONORARY JUDGE IN CIVIL CASES.

38. The Istimrardar is empowered to hear and decide all Civil Suits the cause of action in which took place in his Estate or Circle: Provided that

## Talukdars or Istimrardars.]

### *Rules for guidance of Istimrardars.*

the amount in dispute, or the value of the thing sued for, does not exceed Rs. 100. Istimrardars may be invested with powers, to decide such suits when the amount in dispute does not exceed Rs. 10,000, or such smaller sum as the Chief Commissioner may from time to time direct.

39. He must not, however, decide any case in which he himself, his family, or servants, are parties, or in which he is in any way beneficially interested, but should refer such cases to the Assistant Commissioner.

40. In disposing of suits the Istimrardar must follow the rules of Procedure laid down in the Civil Procedure Code, and such Circulars as may be sent from time to time, copies of which he must be provided with, but his attention is especially called to the following points.

41. Petitions of plaint must be received on stamp paper of the same value, as that required for suits in the District Courts.

42. On hearing the petition, the Istimrardar will see that the plaint contains all the particulars required in Section 50, Civil Procedure Code, he will receive and register it; if the plaint does not contain the particulars required, or if it contains particulars other than those required to be specified, or if it be unnecessarily prolix, or if the plaint be not verified; then the Istimrardar or Honorary Civil Judge, will either allow it to be amended or reject it. (*Section 53, Civil Procedure Code*).

43. If the Istimrardar is satisfied—

*First.*—That the plaint is properly verified, and stamped—(*Section 51 and 52, Civil Procedure Code*).

*Secondly.*—That the claim is one in which he has jurisdiction.

*Thirdly.*—That the claim is properly valued and is not barred by the law of limitation.

*Fourthly.*—That the plaintiff has a *prima facie* case; he will summon the defendant in writing (through a messenger of the Court, who will be paid by Government,) to attend his Court on a particular day. The summons must contain directions, stating whether it is for the settlement of issues only, which in the Istimrardar's Courts would ordinarily be the case, or for the final disposal of the case. (*Section 68 Civil Procedure Code*).

## [Talukdars or Istimrardars.]

*Rules for guidance of Istimrardars.*

44. The two parties will then be confronted, and the defendant's reply taken. The Istimrardar will thus be able to determine the points about which the two parties are in dispute, and such points are called issues.

These he will record, and then call upon each party to name the witnesses they wish to be summoned to prove or disprove each issue recorded for decision, a day will then be fixed for trial of the case, except in the rare instances in which summons was for final disposal, in which case the witnesses in attendance shall be examined and the decision given.

45. The parties and their witnesses will then be brought together; if possible on the appointed day, the depositions of Plaintiff's and Defendant's witnesses will be taken on solemn affirmation; and if necessary, the Istimrardars will call for further evidence himself. He will then decide the case from the evidence before him, and record his reasons; if he grant a decree in plaintiff's favor, he must be careful to record the date or dates on which the money is to be paid, and the decision of the case, and orders for payment if any, should be announced by the Istimrardar in open Court in the presence of the parties concerned.

46. Upon application of either party, the Istimrardar will furnish a copy of his decision, from which an appeal will lie to the Assistant Commissioner. The Assistant Commissioner will proceed to dispose of the appeal, as provided in Ajmere Regulation I of 1877.

47. Appeals from the orders of Istimrardars vested with full powers will lie to the Commissioner.

48. If on the day appointed for the hearing of the case, the Plaintiff only appears, the Court under section 100 (a) C. P. C. may proceed to try the case *ex-parte*, if due service of the summons on Defendant be proved. If Defendant only appears, and the Plaintiff is absent, the Istimrardar shall pass judgment by default against Plaintiff, under section 102, Act XIV of 1882 unless Defendant admits the debt.

49. The Law of Limitation in suits must be looked for in the Second Schedule annexed to Act XV of 1877, but for ease of reference the more common cases of limitations are noted below, in all other cases Act XV of 1877 must itself be consulted.

## Talukdars or Istimrardars.]

*Rules for guidance of Istimrardars.*

Article.	Description of suits.	Term of limitation prescribed by Act XV of 1877.	Time when the period begins to run.
7	For the wages of a house-hold servant artizan or laborer.	One year.	When the wages accrue due.
12 (a)	To set aside a sale in execution of a decree of a Civil Court.	Ditto.	When the sale is confirmed, or would otherwise have become final and conclusive, had no such suit been brought.
52	For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Three years.	Date of delivery of goods.
57	For money payable for money lent.	Ditto.	When the loan is made.
62	For money payable by the Defendant to the Plaintiff for money received by the Defendant for the Plaintiff's use.	Ditto.	When the money is received.
63	For money payable for interest on money due from the Defendant to the Plaintiff.	Ditto.	When the interest becomes due.
64	For money payable to the Plaintiff for money lent to the Defendant by the Defendant to the Plaintiff on account stated between them.	Ditto.	When the accounts are stated in writing signed by the Defendant or his agent duly authorized in this behalf unless where the debt is made by a simultaneous agreement in writing signed as aforesaid, made payable at a future time and then when that time arrives.
65	For Compensation for breach of a contract to do anything at a specified time or upon the happening of a specified contingency.	Ditto.	When the time specified arrives or the contingency happens.
66	On a contract to do anything on a day or days so specified.	Three years.	The day so specified.
67	On a contract to do anything on a day or days so specified.	Ditto.	The date of executing the bond.
68	On a contract to do anything on a day or days so specified.	Ditto.	When the condition is broken.
69	On a contract to do anything on a day or days so specified.	Ditto.	When the arrears become due.
115	For a deposit or pawn of money or goods.	Three years.	The date of the deposit or pawn.

## [Talukdars or Istimrardars.

*Rules for guidance of Istimrardars.*

50. In applying the Law of Limitation, the following cases should be borne in mind:—

(a.)—In computing the period of limitation prescribed for review of Judgment and for an application, to set aside an award, the time is excluded, requisite for obtaining a copy of the decree or order sought to be reviewed, or set aside.

(b.)—An acknowledgment of liability takes the case out of the Limitation Act, in respect of a debt, only if it has been made in writing signed by the party to be charged, or by his Agent duly authorized in this behalf (see section 19 of Act XV of 1877):

51. Where no limitation is provided the term of limitation is 6 years (*Schedule II No. 120*).

In the case of a Hindu excluded from joint family property, the period of limitation is 12 years from the time when the exclusion becomes known to the plaintiff. In suits by a Hindu for maintenance and suits to establish or set aside an adoption, the limitation is 12 and 6 years respectively.

52. If the Istimrardar considers that a debtor cannot pay the debt or decree all at once, he may at time of decree fix such instalments as he may think are equitable, he may also give interest on the debt not exceeding 8 annas a month *per cent.* from date of decree in such cases as he considers interest should be paid but he is not bound to give any interest.

53. *Execution of Decrees.*—On receiving an application for execution of a decree, the Istimrardar, if satisfied that the particulars therein recorded, correspond with the original decree, shall order execution according to the nature of the application, and he should make every endeavour to recover the monies decreed for decree-holders.

The Istimrardars may in default of immediate payment order the judgment-debtor's moveable property with the exception of the particulars specified in the first proviso to section 266, C.P.C., and section 30 of the Ajmere Courts Regulation I of 1877, to be attached by an Officer of the Court, and a proclamation of sale, within 15 days should be issued, during which time any party having claims to the property, can come forward; if no



## Talukdars or Istimrardars.]

### *Rules for guidance of Istimrardars.*

claim is made, the property will be sold by auction in liquidation of the debt. Land and wells not being situate within the inhabited limits of a town or village cannot be sold in execution of decree.

Should a claimant appear and the decree-holder admit the claim the property will be released, but if not, the Istimrardar will make a summary enquiry into the merits of the objection in the same way as if the Claimant or Objector had originally been a defendant in the suit, should it appear probable from such summary enquiry that the Claimant or Objector has no good ground for objection the Istimrardar will disallow it, and refer the party to a Civil suit, if on the other hand, it appears that the claim or objection is *prima-facie* a valid one, the Istimrardar will refer the decree-holder to a regular suit.

54. In executing decrees by imprisonment, the Court should be particularly careful to give effect to the provisions of sections 245 (a) 245 (b) 336 and 337 (a) of Act XIV of 1882, and to see that no person is imprisoned simply out of revenge, if he honestly, has nothing with which to satisfy the decree.

55. The following maxims should be remembered :—

*No man is a just Judge in his own cause.*

*Hear the other side.*

*Tardy Justice is no Justice.*

56. The Istimrardars will be required to keep up the following returns, and to submit them punctually on dates fixed to Assistant Commissioner :—

1.—Monthly Statement of Civil Suits.

2.—Quarterly Statements in the form prescribed for District Courts.

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## Vaccination.]

## Rules.

## VACCINATION.

## CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATION.

[a] No. 1121-729.—*Dated Abu, the 18th September 1888.*

In exercise of the powers conferred by Section 4 of the Vaccination Act, XIII of 1880, the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend that Act to the Cantonment of Nusseerabad.

2. In exercise of the powers conferred by Section 20 of that Act, the Chief Commissioner is pleased to make the following rules:—

*Division of the Cantonment into circles for the performance of vaccination.*

(Section 21), Clause (a).

I. The area of the Nusseerabad cantonment shall form one vaccination circle.

*Appointment of a place in the circle as a public vaccination station, and the posting of a distinguishing mark in a conspicuous place near such station.*

II. The Cantonment Committee shall provide a vaccination office or station in a central situation in cantonments, and shall cause a board to be set up

and maintained there, bearing the words "vaccination station" followed by a notice setting forth for public information the names of the "public vaccinators" and the hours of their daily attendance at the station on vaccination duty, and a notice also notifying that the "public vaccinator" will, on due request made, attend for the vaccination of children at their homes in the circle, or at some fixed central spot in each bazar to be named, and a notice that no charge will be made for vaccination, whether performed at the station or at the child's home, or at any place within the circle.

## [Vaccination.

*Rules.**The qualification to be required of the Superintendent of Vaccination  
and of the Public Vaccinators.*

Clause (c). III. The Staff Surgeon, Nusseerabad,  
shall *ex-officio* be Superintendent of Vaccina-  
tion within the circle.

IV. A public vaccinator shall possess a certificate of qualification given by the General Superintendent of Vaccination, Rajputana, or such medical officer as the Chief Commissioner may, by order, direct in the following form :—

I hereby certify that I have examined \_\_\_\_\_, and find him qualified for the office of public vaccinator.

*Dated at \_\_\_\_\_ the \_\_\_\_\_ 18 . General Superintendent  
of Vaccination or Medical Officer.*

Before granting such certificate, the General Superintendent of Vaccination, Rajputana, or the medical officer appointed in this behalf by the Chief Commissioner, shall be assured of the soundness of the candidate's knowledge in regard to—

- (1) The vaccination operation.
- (2) The characteristics of a good vesicle and cicatrice.
- (3) The collection and preservation of lymph.
- (4) The chief symptoms of small-pox disease.
- (5) The Vaccination Act and Rules.
- (6) The forms and certificates required under the rules.

*The authority with which the appointment, suspension, and dismissal  
of Public Vaccinators shall rest.*

V. The public vaccinators shall be appointed by the Cantonment Committee, and may, for recorded misconduct,  
Clause (d). be suspended or dismissed from office by the  
Cantonment Committee, on the recommendation of the Superintendent.

*The time of attendance of a Public Vaccinator at the vaccine station  
and the Public Vaccinator's place of residence.*

Clause (e). VI. The hours of daily attendance of a  
public vaccinator at the vaccine station shall  
be fixed by the Cantonment Committee.

## Vaccination.

### *Rules.*

VII. A public vaccinator shall be a permanent resident of the circle and shall be absent therefrom only for such periods of leave as may be granted by the Cantonment Committee.

#### *The distinguishing mark or badge to be worn.*

VIII. Public vaccinators shall at all time when engaged in the duties of their office wear a badge, in the form of a brass plate, with the words "Public Vaccinator, Nusseerabad Cantonment Circle," engraved on it.

Clause (f).

#### *The facilities to be afforded to people for procuring the vaccination of children at their own homes.*

IX. Public vaccinators shall vaccinate children of the circle at their homes at the request of a parent or guardian, or at any place within the circle by direction of the Superintendent. They may also visit and vaccinate children residing beyond the circle at the request of a parent or guardian, and with the permission of the Superintendent.

Clause (h).

## [Vaccination.

*Rules.*

*The grant and form of certificates of successful vaccination, of unfitness for vaccination, or of insusceptibility to vaccination.*

Clause (i). X. Certificates of vaccination shall be in the following form :—

(a) *Nussecrabad Cantonment Vaccination Circle.*

(Fly leaf.)	Certificate of vaccination issued on the 18 . of						
Register No.	Register No.	VACCINATED CHILD.			PARENT OR GUARDIAN.		Result of Operation.
	Name.	Sex.	Age.	Name.	Caste.	Place of abode.	
							Case examined on the and found
Date of presentation ...							
	NOTE.—The child herein mentioned is to be presented with the certificate for examination on						
Result ... ..	Public Vaccinator.						
Record of instructions ...	Certified that the above is a true account of the vaccination it records. The certificate was given to with instructions to						
Public Vaccinator ... ..	Supdt. of Vaccination.			Public Vaccinator.			

The entry in the column of results should be (1) "successful," or (2) "unsuccessful," or (3) "unsuccessful for the third time."

The instruction should be (1) to "preserve the certificate," or (2) to "present the child for revaccination," or (3) to "consider further vaccination of the child unnecessary."

Instructions in Form (3) shall be countersigned by the Superintendent.

XI. Certificates of unfitness for vaccination shall be in the following form :—

## Vaccination.]

## Rules.

## (b) Nusseerabad Cantonment Vaccination Circle.

No. date	No. Certificate of unfitness for vaccination—issued on the of 18 .					
Name of Child.	CHILD.			PARENT OR GUARDIAN.		Instruction.
	Name.	Sex.	Age.	Name.	Caste.	Place of abode.
Name of parent and place of abode.						Child to be presented for re- inspection on
Cause of unfitness ...	I hereby certify that the above-named child was presented to me for vaccination this day and found unfit for vaccination for a period of					
Instructions ...	by reason of  (Countersigned.)					
Public Vaccinator ...	Supdt. of Vaccination.			Public Vaccinator.		

XII. The public vaccinator shall issue to the parent or guardian a certificate of vaccination in form (a) on account of every child vaccinated on the day of vaccination, and shall complete the certificate on the day of examination, and he shall also issue to the parent or guardian a certificate in form (b) of unfitness for vaccination, on account of every child found unfit on the day of its examination. All cases of reported unfitness for vaccination shall be referred by the vaccinator to the Superintendent, whose countersignature to every certificate issued in form (b) will be necessary.

Before final delivery to the parent or guardian of any certificate, the public vaccinator shall complete and sign the entries of its fly-leaf, which shall remain bound in the book of such certificates.

Every public vaccinator shall be provided with books of the above forms (a) and (b).

## [Vaccination.

## Rules.

*The nature of the lymph to be used and the supply of a sufficient quantity of such lymph.*

XIII. The lymph ordinarily used by the public vaccinator shall be human lymph supplied to the Superintendent under the orders of the General Superintendent of Vaccination, Rajputana, in tubes at the commencement of every vaccination season, and continuously preserved during the season upon ivory points charged by the public vaccinator from selected vesicles of the seventh or eighth day formed upon the arms of healthy children. An arm-to-arm vaccination shall be sedulously practised; but lymph shall not be taken for any purpose from an unhealthy or weakly child, and more specially not from a child with appearance of skin disease. In case of failure of the lymph supply at any time of the season, the General Superintendent of Vaccination, or such medical officer as he may direct, will renew then supply in tubes. In the event of a considerable demand for vaccination with animal lymph arising in the circle, the Superintendent will cultivate such lymph for use in the circle.

Vaccination needles and ivory points will be supplied to the public vaccinators free of charge by the Superintendent of Vaccination.

*The fee to be paid to a Public Vaccinator for vaccinating a child, beyond the vaccination circle, at the request of the parent or guardian of the child.*

XIV. For the successful vaccination with human lymph of a child residing beyond the circle limits, the operation and inspection being performed at the child's home, the public vaccinator shall demand a fee of four annas.

*The preparation and keeping of certain registers.*

XV. The Cantonment Committee shall take measures to prepare and keep the following registers in the forms appended to these rules:—

Clause (m).

- (a) Register of infants born within the circle on or after the 1st of January 1888 with record of vaccination or reason for non-vaccination in every mohalla or quarter of cantonments separately (Form I).



## Vaccination.]

### Rules.

- (b) Register of the names of children now resident in or brought into cantonments after the 1st of January 1888, who have not been vaccinated or have not had small-pox, such children having resided in cantonments for a month, and being, if boys, under the age of 14 years, if girls, under the age of 8 years (Form II).

XVI. The General register of vaccination performed in the circle and forms of monthly returns will be prescribed by the General Superintendent of Vaccination, Rajputana.

XVII. At the commencement of every vaccination season the Cantonment Magistrate shall cause notices to be affixed for public information, in every important portion or quarter of the circle as follows, the notices being translated into and printed in the Hindi and Urdu languages :—

#### PUBLIC NOTICE.

*Dated*———

#### PUBLIC NOTICE.

*Dated*———

HINDI.	URDU.
The public are hereby informed that the vaccination season of 18 commenced on the	The public are hereby informed that the vaccination season of 18 commenced on the
And this is to give notice that in obedience to the law, every unvaccinated child of more than six months of age, resident within the Nusseera-bad Cantonment boundaries, should be presented by its parent or guardian to the public vaccinator for inspection with a view to its vaccination, if found in good health.	And this is to give notice that in obedience to the law, every unvaccinated child of more than six months of age, resident within the Nusseera-bad Cantonment boundaries, should be presented by its parent or guardian to the public vaccinator for inspection with a view to its vaccination, if found in good health.
<i>Cantonment Magistrate.</i>	<i>Cantonment Magistrate.</i>

The Cantonment Magistrate may, at any time of the vaccination season, direct the public crier to call attention to these notices.

## vaccination.

### Rules.

Submitted by  
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Vaccination  
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## Vaccination.]

## Rules.

## FORM I.

## Vaccination Register of Infants born in the Mohulla of Nusseerabad Cantonment Vaccination Circle.

Serial number	Place of abode in Mohulla.		Name of parent or guardian.		Name, sex, and caste of child.		Date of birth.		Number in general vaccination register.		Date of vaccination.		<div>AGE AT TIME OF VACCINATION.</div> <div>Under one year.</div> <div>Above one and under six years.</div>		<div>RESULT OF VACCINATION.</div> <div>Successful.</div> <div>Unsuccessful.</div> <div>Unknown.</div>		<div>RE-VACCINATION.</div> <div>Date.</div> <div>Successful.</div> <div>Unsuccessful.</div>			<div>CAUSE OF NON-VACCINATION.</div> <div>Leaving Cantonment with date.</div> <div>Sickness.</div> <div>Insusceptibility.</div> <div>Death with date.</div>				Initials of Vaccinator.		Initials of Inspecting Officer.	
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FORM II.

Register of the Names of Boys of less than 14 years of age, and Girls of less than 8 years of age, now resident in, or hereafter brought into, the Nusseerabad Cantonment Circle, who have not been vaccinated or have not had small-pox disease.

Serial number.	Place of abode in Mohulla.	Name of parent or guardian.	Name, sex, and caste of child.	Date of registration.	Number in general vaccination register.	Date of vaccination.	AGE AT TIME OF VACCINATION. <div>Under one year.</div> <div>Above one and under six years.</div>	RESULT OF VACCINATION. <div>Successful.</div> <div>Unsuccessful.</div> <div>Unknown.</div>	RE-VACCINATION. <div>Date.</div> <div>Successful.</div> <div>Unsuccessful.</div>	CAUSE OF NON-VACCINATION. <div>Leaving Cantonment with date.</div> <div>Sickness.</div> <div>Insusceptibility.</div> <div>Certificate number.</div> <div>Death with date.</div>	Initials of Vaccinator.	Initials of Inspecting Officer.
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**Vaccination.]***Rules.*

CHIEF COMMISSIONER, AJMERE-MERWARA, PUBLIC WORKS DEPARTMENT.

**NOTIFICATION.***No. 2555 S.—Mount Abu, the 8th August 1895.*

With reference to this Department Notification No. 3491 S, dated 31st December 1894, the Chief Commissioner, Ajmere-Merwara, is pleased under provision of Section 3 of the Vaccination Act XIII of 1880 to extend the said act to the Ajmere Municipality with effect from 1st October 1895.

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## [Vaccination.

*Rules.*CHIEF COMMISSIONER OF AJMERE-MERWARA IN THE P. W. D.  
NOTIFICATION.

[1] No. 3061 S.—Mount Abu the 4th October 1895.

The following rules made by the Ajmere Municipal Committee, under Section 19 of the Vaccination Act XIII of 1880 for the regulation of Vaccine operation within the limits hereby published for general information.

*Division of the Municipality into circles for the performance of Vaccination.*

I. The area of the Ajmere Municipality shall be considered one circle for the purpose of these rules.

*Appointment of a place in the circle as a public Vaccine Station.*

II. The Municipal Committee will provide a Vaccination office in a convenient situation, and a board will be set up at this office and maintained there, bearing the words "Vaccination Station," followed by a notice setting forth for public information the name of the Public Vaccinator, and the hours of the daily attendance at the station on vaccination duty, and a notice also notifying that the Public Vaccinator will, on due request made, attend for the vaccination of children at their homes in the circle, and a notice that no charge will be made for vaccination, whether performed at the station or at the child's home.

III. The Civil Surgeon of Ajmere shall, ex-officio, be Superintendent of Vaccination within the limits of the Ajmere Municipality.

The Native Superintendent of Vaccination for the district shall, ex-officio, be Assistant Superintendent of Vaccination within the limits of Ajmere Municipality, and shall receive such remuneration as the Municipal Committee from time to time determine, provided that such remuneration be not less than two nor more than five rupees a month.

*The authority with which the appointment, suspension, and dismissal of Public Vaccinator shall rest.*

IV. The Public Vaccinator shall be appointed by the Municipal Committee, on the nomination of the Superintendent, and may, for recorded misconduct, be suspended or dismissed from office by the Municipal Committee on the recommendation of the Superintendent.

## Vaccination.<sup>1</sup>

### *Rules.*

*The time of the attendance of the Public Vaccinator at the Vaccine Station, the vaccination season, and the Public Vaccinator's place of residence.*

V. The hours of daily attendance of the Public Vaccinator at the Vaccine Station shall be fixed by the Superintendent.

VI. The Public Vaccinator shall be a permanent resident of the circle, and shall be absent therefrom only for such periods of leave as may be granted by the Superintendent.

VII. The vaccination season is the period of six months extending from the 1st October to the 31st March.

*The distinguishing mark or badge to be worn.*

VIII. The Public Vaccinator shall at all times when engaged in the duties of his office wear a badge in the form of a brass-plate, with words "Public Vaccinator, Ajmere Municipality" engraved on it.

*The facilities to be afforded to people for procuring the vaccination of children at their own houses.*

IX. The Public Vaccinator shall vaccinate children of the circle at their homes, at the request of a parent or gaurdian, or at any other place within the circle by direction of the Superintendent. He may also visit and vaccinate children residing beyond the circle, at the request of a parent or guardian and with the permission of the Superintendent.

*The grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility to vaccination.*

X. Certificates of Vaccination shall be in the Form (A) hereto annexed.

XI. Certificates of unfitness for vaccination shall be in the form (B) hereto annexed.

XII. The Public Vaccinator shall issue to the parent or guardian a certificate of vaccination in form (A) on account of every child vaccinated on the day of vaccination, and shall complete the certificate on the day of examination, and he shall also issue to the parent or guardian a certificate in form (B) of unfitness for vaccination on account of every child found unfit on the day of its examination. All cases of reported unfitness for vaccination shall be referred by the Vaccinator to the Superintendent, whose countersignature to every certificate issued in form (B) will be necessary.

## [Vaccination.

*Rules.*

Before final delivery to the parent or guardian of any certificate, the Public Vaccinator shall complete and sign the entries of its fly leaf, which shall remain bound in the book of such certificates. The Public Vaccinator shall be provided with books of the above forms (A) and (B).

*The nature of the lymph to be used and the supply of a sufficient quantity of such lymph.*

XIII. The lymph ordinarily used by the Public Vaccinator shall be human lymph, supplied to the public by the Civil Surgeon in tubes at the commencement of every vaccination season, and continuously preserved during the season upon ivory points charged by the Public Vaccinator from selected vesicles of the 7th and 8th day, formed upon the arms of healthy children, and arm to arm vaccination shall be sedulously practised, but lymph shall not be taken for any purpose from an unhealthy or weakly child, and more especially not from a child with appearance of skin disease. In case of failure of the lymph supply at any time of the season the Civil Surgeon will renew the supply in tubes.

In the event of a considerable demand for vaccination with animal lymph arising in the circle, the Superintendent shall cultivate such lymph for use in the circle.

Vaccination needles and ivory points will be supplied to the Public Vaccinator free of charge by the Civil Surgeon.

*Fee to be levied for vaccination with human or animal lymph.*

XIV. No fee shall be charged for vaccination with human or animal lymph of a child residing beyond the circle limits. The operation and inspection being performed at the child's home, the Public Vaccinator shall demand a fee of four annas.

*The preparation and keeping of certain Registers.*

XV. The Municipal Committee shall take measures to prepare and keep the following Registers in the forms appended to these rules:—

- (1) Register of infants born within the circle on or after the 1st October 1895, with record of vaccination or reason for non-vaccination in every mohalla of the Municipality.



## Vaccination.]

### Rules.

- (2) Register of the names of children now resident in or brought into Municipal limits after the 1st of October 1865, who have not been vaccinated or have not had small-pox, such children having resided in the Municipality for a month and being if boys, under the age of 14 years, if girls under the age of 8 years.

XVI. The General Register of Vaccinations performed in the circle, and forms of monthly returns will be supplied by the Civil Surgeon.

XVII. At the commencement of every vaccination season the Secretary, Municipal Committee, shall cause notices to be affixed for public information in every important portion or quarter of the circle in the accompanying form (C.) both in Hindi and Urdu.

The Secretary, Municipal Committee, may at any time of the vaccination season direct the public crier to call attention to these notices.

#### *The preparation of Vaccination Reports and Returns.*

XVIII. A monthly figured statement of results shall be submitted by the Public Vaccinator to the Civil Surgeon, during the five months of the vaccination season, in the established departmental form. At the same time a copy should be sent to the Municipal Committee.

The Public Vaccinator shall submit to the Civil Surgeon and the Municipal Committee a figured statement of results for the season after its termination, together with a concise report upon the working of the Act during the season.

#### *Miscellaneous.*

XIX. All the fees received by the Public Vaccinator shall be credited to the Municipal Fund.

XX. If at any time of a Vaccination season the Superintendent of Vaccination shall have proof that a parent or guardian has failed to procure the vaccination of a child liable to vaccination under the Act, he shall cause to be delivered to such parent or gaurdiam, or to be attached to his house a notice accompaning form (D).

If such a notice is not complied with, the Superintendent of Vaccination shall report the matter to Secretary, Municipal Committee, who will proceed as directed in Section 18 of the Act.

## [Vaccination.

*Certificate of vaccination shall be in the following form :—*

## A.—AJMERE MUNICIPALITY.

(Fly leaf )	Certificate of vaccination issued on						of	18	.
Register No.	Register No.	VACCINATED CHILD.			PARENT OR GUARDIAN.			Result of Operation.	
	Name.	Sex.	Age.	Name.	Caste.	Place of abode.			
Date of presentation								Case examined on the and found	
	NOTE.— The child herein mentioned is to be presented with the certificate for examination on								
Result	Public Vaccinator.								
Record of instructions	Certified that the above is a true account of the vaccination it records. This certificate was given to with instructions to								
Public Vaccinator	Supdt. of Vaccination.				Public Vaccinator.				

The entry in the column of results should be (1) "successful," or (2) "unsuccessful," or (3) "unsuccessful for the third time."

The instruction should be (1) to "preserve the certificate," or (2) to "present the child for revaccination," or (3) to "consider further vaccination of the child unnecessary."

Instructions in Form (3) shall be countersigned by the Superintendent.

## Vaccination.]

*Certificate of unfitness for vaccination shall be in the following form :—*

## B.—AJMERE MUNICIPALITY.

No. date	No. Certificate of unfitness for vaccination—issued on of 18 .						
Name of Child.	CHILD.			PARENT OR GUARDIAN.			Instructions.
	Name	Sex.	Age.	Name.	Caste.	Place of abode.	
Name of parent and place of abode.							Child to be presented for re- inspection on
Cause of unfitness ...	I hereby certify that the above-named child was presented to me for vaccination this day and found unfit for vaccination for a period of by reason of						
Instructions ...	(Countersigned )						
Public Vaccinator ...	Supdt. of Vaccination.			Public Vaccinator.			

The instruction entry should denote (1) a fixed date of the current vaccination season, or (2) a period of the next vaccination season.

## [Vaccination.]

## Form C.

*Public notice dated \_\_\_\_\_ 189\_\_.*

The public are hereby informed that the vaccination season of 189\_\_ commenced on the \_\_\_\_\_, and this is to give notice that, in accordance to the law, every unvaccinated child of more than six months of age, resident within the Ajmere Municipality, should be presented by its parent or guardian to the Public Vaccinator for inspection, with a view to its vaccination, if found in good health.

*Secretary, Municipal Committee,*

## Form D.

*Notice issued under Section 17 of the Vaccination Act on the \_\_\_\_\_ of \_\_\_\_\_ 189\_\_.*

To

(Name) \_\_\_\_\_ of (address) \_\_\_\_\_ Ajmere.

The above-named (name) is required to present to the Public Vaccinator the undermentioned child (or children) on the \_\_\_\_\_ of \_\_\_\_\_ 189\_\_ for examination, with a view to the vaccination of such child (or children.)

Name or description of child (or children) \_\_\_\_\_

•

*Superintendent of Vaccination.*

## Vaccination.]

## FORM I.

Vaccination Register of Infants born in the Mohulla of Ajmere Municipality commencing  
from 1st October 1895.

Serial number	Place of abode in Mohulla.	Name of parent or guardian.	Name, sex, and caste of child.	Date of birth.	Number in general vaccination register.	Date of vaccination.	<div>AGE AT TIME OF VACCINATION.</div> <div>Under one year.</div> <div>Above one and under six years.</div>	<div>RESULT OF VACCINATION.</div> <div>Successful.</div> <div>Unsuccessful.</div> <div>Unknown.</div>	<div>RE-VACCINATION.</div> <div>Date.</div> <div>Successful.</div> <div>Unsuccessful.</div>	<div>CAUSE OF NON-VACCINATION.</div> <div>Leaving Ajmere Municipal limits with date.</div> <div> <div>Sickness.</div> <div>Insusceptibility.</div> <div>Death with date.</div> </div> <div>Certificate number.</div>	<div>Initials of Vaccinator.</div> <div>Initials of Inspecting Officer.</div>
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Vaccination.]

CHIEF COMMISSIONER OF AJMERE-MERWARA, P. W. D.

*Notification No. 616S.—Dated Mount Abu, 17th March 1898.*

With reference to this office Notification No. 4003 S., dated 17th November 1897, the Chief Commissioner, Ajmere-Merwara, is pleased, under section 3 of the Vaccination Act, XIII of 1880, to extend the said Act to the Kekri Municipality with effect from the 1st February 1898.

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[Vagrancy.]

*Rules.*

## VAGRANCY.

## GOVERNMENT OF INDIA NOTIFICATION.

[a] No. 4828, *dated the 20th October 1870.*

In the exercise of the power vested in him by section 34 of Act XXI of 1869 (an Act to provide against European Vagrancy), His Excellency the Governor-General in Council is pleased to make the following Rules for the guidance of Officers in the administration of the Act:—

- I.—The expression “person of European extraction” includes, for the purposes of the Act and these Rules, (1) persons born in Europe, America, the West Indies, Australia, and New Zealand; and (2) the legitimate son of a father and grandson of a grandfather so born.
- II.—For the arrest and custody of vagrants, European or Eurasian Police Officers shall, whenever it may be practicable, be employed in preference to Native Police Officers.
- III.—Whenever any person, apparently a vagrant, refuses or fails to comply with any requisition made by a Police Officer under section 4 of the Act,  
 whenever any person of European extraction commits an offence under section 23 of the Act in view of a Police Officer,  
 and whenever any Police Officer has reason to think that such offence has been, or is being, committed,  
 the person so refusing, failing or offending, may be forthwith arrested, without warrant by the Police Officer, for the purpose of being produced in the usual manner before the Officer empowered to deal with the case.
- IV.—The “subsistence allowance” of the vagrant shall not ordinarily be made over to him, but shall be kept and disbursed on his account by the Police or other Officer in whose custody he is for the time being.

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[a] See *Gazette of India* for 1870, part I, page 721.



- V.—No certificate shall be given under section 9 unless there be good ground for believing that the person applying for it is *bona-fide* in search of employment, has a fair chance of obtaining it and is of quiet and orderly behaviour.
- VI.—The certificates shall be printed on parchment or paper of very durable character, and shall be in English, with translations in the two principal Vernacular languages of the territories under the Local Government.
- VII.—The time allowed under section 16 for search after employment shall not ordinarily exceed two months, and shall not in any case exceed six months.
- VIII.—In the Presidency Towns, the Commissioner of Police, and elsewhere, Magistrates with full powers, being also Justices of the Peace, shall be competent to act on behalf of the Secretary of State in Council in making agreements under section 17.
- IX.—All such agreements shall be executed in duplicate, and the Officer executing on behalf of the Secretary of State in Council shall retain one of the copies.
- X.—When an agreement has been entered into by a vagrant under section 17, he shall be forwarded, along with the original agreement, in the charge of a Police Officer to the Officer at the port of embarkation, who is empowered by the Local Government to receive vagrants; and thereafter, and until his embarkation, he shall remain in the custody of that Officer, or of such other Officer as the Local Government empowers in this behalf.
- He shall during such time be entitled to subsistence-allowance at eight annas per diem, to be disbursed as directed in Rule IV.
- XI.—Local Governments within whose jurisdiction ports are situated shall make all necessary arrangements for the reception and custody of vagrants sent for deportation by other Local Governments or authorities in the interior. They will from time to time, as may be necessary, give notice of such arrangements to the forwarding authorities.

## [Vagrancy.]

*Rules.*

- XII.—Road expenses shall be provided by the forwarding authority. All further expenses incurred in proceedings under Chapter IV of the Act, shall be defrayed by the Local Government of the port of embarkation on account of the Secretary of State in Council.
- XIII.—No agreement for deportation shall be entered into with any person of European extraction born in this country, and who has never been out of it, unless he satisfies the Local Government that he is likely to gain a livelihood in some place out of India.
- XIV.—The officers empowered to direct the deportation of vagrants will see that no unnecessary time is lost for providing passage for those who have entered into agreements to be deported. As a rule, Europeans should be sent to Europe, Americans to America, West Indians to the West Indies, Australians to Australia, and New Zealanders to New Zealand. But the Local Authorities will exercise their discretion in sending vagrants to other countries than their own, when it appears that such a course will be for their advantage, and that they will be favourably received on arriving at their destination.
- XV.—Descriptive rolls and, as far as possible, photographs of all persons deported shall be kept by the Local Governments or Administrations within whose territory the ports are situated.
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[Wards.

Regulation.

# THE AJMERE GOVERNMENT WARDS REGULATION, 1888.

*(Received the assent of the Governor-General on the 15th May 1888, and published in the Gazette of India, 1888, Part I, page 223.)*

*Notification No. 8.—Dated Simla, the 17th May 1888.*

Whereas by resolution passed by the Secretary of State for India in Council on the sixteenth day of March 1871, the provisions of the 33rd of Vict., Chap. 3, Sec. 1, were declared applicable to Ajmere and Merwara.

And whereas the Chief Commissioner of Ajmere-Merwara has proposed to the Governor-General in Council a draft of the following Regulation together with the reasons for proposing the same ;

And whereas the Governor-General in Council has taken the draft and reasons into consideration, and has approved of the draft, and the same has received the Governor-General's assent on the 15th day of May, 1888 ;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*, and local Gazette for Ajmere and Merwara :

## REGULATION No. 1 OF 1888.

### *The Ajmere Government Wards Regulation.*

Whereas it is expedient to make better provision for the superintendence of Government wards in Ajmere and Merwara ; It is hereby enacted as follows :—

Title, extent and commencement.

1. (1) This Regulation may be called the Ajmere Government Wards Regulation, 1888.

(2) It extends to the territories administered by the Chief Commissioner of Ajmere to which the provisions of the Statute 33 Victoria, Chapter 3, Section 1, have been declared applicable ; and

(3) It shall come into force on the first day of July 1888.

## Wards.]

## Regulation.

II of 1877.

Repeal.

2. (1) Part V. of the Ajmere Land and Revenue Regulation, 1877[a], the portion of clause (b) of section 2 of that Regulation beginning with the words "and includes" and ending with the words "under this Regulation," and section 14 of Act XL of 1858 [b] (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) are hereby repealed.

(2) But all orders made and proceedings taken under any of those enactments shall, so far as may be, be deemed to have been made and taken under this Regulation.

Definitions.

3. In this Regulation, unless there is something repugnant in the subject or context,—

II of 1877.

(1) Expressions used in the Ajmere Land and Revenue Regulation 1877, have the same meanings as they have in that Regulation.

(2) "Government ward" means any person of whose property, or of whose person and property, the Court of Wards may for the time being have the superintendence under this Regulation : and

(3) "Landholder" means an istimrardar, bhumia, jagirdar, muafidar, malguzar, or assignee of revenue, and includes any person having an interest in an estate subject to the payment of the local rate under the Ajmere Rural Boards Regulation, 1886 [c].

VI of 1886.

Commissioner to be Court of Wards.

4. The Commissioner shall be the Court of Wards.

Landholder to be under jurisdiction of Court of Wards.

5. Every landholder shall be under the jurisdiction of the Court of Wards.

6. The Court of Wards may, with the previous sanction of the Chief Superintendent by Courts of Wards of property of disqualified landholder. Commissioner, assume the superintendence of the property of any landholder who is disqualified to manage his own property.

7. (1) The following persons shall, for the purposes of the last foregoing section, be deemed to be disqualified to manage their own property, namely :—

Cases in which landholder to be deemed disqualified.

[a] Printed *supra*, p. 488.

[b] The whole of Act XL of 1858 was repealed by Act VIII of 1890.

[c] Printed *supra*, p. 1375.

## [Wards

*Regulation*

- (a) Minors who have not guardians appointed for their property by will:—
- (b) Persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs; and
- (c) Persons declared by the Chief Commissioner to be incapable of managing their own property—
  - (i) owing to any physical defect or infirmity;
  - (ii) owing to their having been convicted of a non-bailable offence and being unfitted by vice or bad character;
  - (iii) owing to their being females; or
  - (iv) on their own application.

(2) Every declaration made by the Chief Commissioner under clause (c) of sub-section (1) shall be final, and shall not be questioned in any Civil Court.

8. When the Court of Wards assumes the superintendence of the Superintendence by Court of Wards of person of disqualified landholder. property of a minor who has not a guardian appointed for his person by will, or of a person who has been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs, it may, with the previous sanction of the Chief Commissioner, assume the superintendence of his person also:

Provided that nothing in this section shall authorise the Court of Wards to assume the superintendence of the person of a female who is married to a man of full age and is living under his protection.

9. When the Court of Wards has, with the previous sanction of the Superintendence of Court of Wards not challengeable on ground that ward is not a landholder or minor. Chief Commissioner, assumed the superintendence of the property of any person, or of his person and property, its authority shall not be contested in any Civil Court on the ground that he was not or is not a landholder, or was not or is not a minor.

## Wards.]

### *Regulation.*

10. Subject to the rules made under this Regulation, the Court of Wards may appoint, suspend and remove a manager of the property of any Government ward under its superintendence, and may delegate to the manager all or any of its functions in relation to any property under this Regulation.

Appointment, etc., of managers by Court of Wards.

11. (1) Every manager appointed by the Court of Wards shall,—

(a) unless he is the Collector or other revenue-officer, give such security as the Court thinks fit duly to account for what he receives in respect of the rents and profits of the property under his management;

(b) unless he is the Collector, be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties; and

(c) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence.

(2) Every manager or other servant of the Court of Wards shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code; and, in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards.

12. The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are for the time being under its superintendence, and may control and remove guardians whom it has appointed.

Powers for Court of Wards to appoint guardians of certain Government wards.

13. Subject to the provisions of this Regulation, and of the rules made under this Regulation, the Court of Wards—

General powers of Court of Wards.

(a) may, of itself or through the manager (if any) appointed by it under this Regulation, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Regulation as the owner of the property, if not disqualified, might do for its care and management; and

## Wards:]

*Regulation.*

(b) may, of itself or through the guardian (if any) appointed by it under this Regulation, do in respect of the person of any Government ward, whose person is for the time being under its superintendence, all such things as may lawfully be done by a guardian.

14. The Court of Wards may pass such orders as to it seem fit in respect of the custody and residence of any Government ward whose person is for the time being under its superintendence, and, when he is a minor, in respect of his education.

15. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependents.

16. The Court of Wards or the manager (if any) appointed by it under this Regulation shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own.

17. (1) Subject to the control of the Chief Commissioner under this Regulation, and to the restrictions specified in this section, the Court of Wards may do all such acts as it may judge to be best for the benefit of the property of any Government ward under its superintendence and for the advantage of the ward.

(2) The restrictions referred to in sub-section (1) are the following, namely —

(a) without the previous sanction of the Chief Commissioner, the Court of Wards shall not let the property of the ward or any part thereof for a longer term than five years, or sell, mortgage, charge or exchange the property or any part thereof; and



## Wards.]

### *Regulation.*

- (b) without the previous sanction of the Chief Commissioner and of the Governor-General in Council, the Court of Wards shall not borrow any money whatever where the debts due from the ward, or the sums secured by incumbrances on his property, or such debts and sums combined, exceed ten thousand rupees, or borrow any sum exceeding five thousand rupees in any other case.

18. In every suit brought by or against a Government ward the manager of the ward's property, or if there is no manager, the Court of Wards shall be named as next friend or guardian for the suit, as the case may be.

Manager or Court of Wards to be next friend or guardian in suits by or against Government wards.

19. If, in any suit brought by or against a Government ward, any Civil Court decrees any costs against the ward's next friend or guardian for the suit, the Court of Wards shall pay the costs so far as the ward's property for the time being in its hands may be sufficient for the payment thereof.

Payment of costs.

20. Every process which may be issued out of any Civil Court against any Government ward shall be served on the ward's next friend or guardian for the suit.

Processes against Government wards to be served on next friend or guardian.

21. No suit shall be brought on behalf of any Government ward unless it is authorized by some order of the Court of Wards:

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

Provided as follows :—

- (a) a manager may authorise a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but the suit shall not afterwards be proceeded with except under the sanction of the Court of Wards ;
- (b) a suit for arrears of rent may be brought on behalf of a Government ward if authorized by an order of the manager of the property on which the rent is due.

[Wards.

*Regulation.*

**22.** (1) A Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability.

*Disabilities of a Government ward.*

(2) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage :

Provided that he shall not incur, in connection therewith, any pecuniary liability except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

**23.** Whenever, on the death of any Government ward, the succession to his property or any part thereof is disputed, the Court of Wards may either make over the property or part thereof to any person claiming the same, or retain the superintendence thereof until one of the claimants has established his claim in a competent Civil Court.

*Procedure when succession to Government ward's property is disputed.*

**24.** (1) The Court of Wards may, with the previous sanction of the Chief Commissioner, at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as—

*Withdrawal of superintendence of Court of Wards.*

(a) in the case of a person disqualified under clause (a) of sub-section (1) of section 7, he attains his majority ;

(b) in the case of a person disqualified under clause (b) of that sub-section, he ceases to be of unsound mind and incapable of managing his affairs ; and

(c) in the case of a person disqualified under sub-clause (i) of clause (c) of that sub-section, his physical defect or infirmity is removed or ceases.

(2) When any question arises whether the superintendence of the Court of Wards should be withdrawn from any person or property, or both, under clause (a), or from any property under clause (c), of this section, the decision of the Chief Commissioner thereon shall be final, and shall not be questioned in any Civil Court.

## Wards.]

*Regulation.*

## Appeals.

25. An appeal shall lie from every order of the Court of Wards under this Regulation to the Chief-Commissioner.

26. All orders or proceedings of the Court of Wards under this Regulation shall be subject to the supervision and control of the Chief Commissioner; and the Chief Commissioner may, if he think fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against the order or proceeding or not.

27. The exercise of any discretion conferred on the Court of Wards or the Chief Commissioner by this Regulation shall not be called in question in any Civil Court.

Exercise of discretion not to be questioned in Civil Court.

Power for Chief Commissioner to make rules.

28. (1) The Chief Commissioner may make rules consistent with this Regulation to—

- (a) prescribe the matters to which regard is to be had in appointing or removing guardians and managers and in fixing their remuneration ;
- (b) regulate the amount of security to be given by managers ;
- (c) limit the functions which the Court of Wards may delegate to any manager ;
- (d) prescribe the mode in which functions delegated to managers are to be notified for the information of persons concerned ;
- (e) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards are to be reported for the sanction of the Chief Commissioner ;
- (f) prescribe the accounts and other returns which are to be rendered by managers to the Court of Wards, and by the Court of Wards to the Chief Commissioner, and the time and form at and in which those accounts and returns are to be rendered ;
- (g) regulate the custody of securities and title-deeds belonging to the estate or relating to the property of a Government ward

[Wards.

*Regulation.*

- (h) regulate the procedure in inquiries by the Court of Wards and in appeals from orders of the Court of Wards under this Regulation ;
- (i) confer upon the Court of Wards for the purposes of this Regulation any of the powers which may be exercised by a Civil Court in the trial of suits ; and,
- (j) generally, prescribe the manner in which the powers and duties of the Court of Wards under this Regulation are to be exercised and performed.

(2) A rule under clause (c) of sub-section (1) shall not take effect until it has been published in the official Gazette with the previous sanction of the Governor-General in Council.

(3) A rule under any other clause of that sub-section shall take effect on its being so published without such sanction.

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Wards.]

Rules.

# CHIEF COMMISSIONER OF AJMERE-MERWARA.

## NOTIFICATION.

*No. 114.—Dated Abu, the 6th February 1889.*

In exercise of the powers conferred by section 28, clauses (a), (b), (c) to (g), (i) and (j) of the Ajmere Government Wards Regulation, 1888, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules:—

1. In appointing guardians the Court of Wards shall give preference to a near relative of the Ward, who is willing and fit to be entrusted with the charge of his person, and may, if necessary, call upon the Collector or Magistrate for a report on the character and qualification of such person.

2. Guardians appointed under section 12 shall receive such remuneration as may be determined by the Court of Wards.

3. The amount of the security which is taken from a manager appointed by the Court of Wards shall in each case be fixed by the Court and shall, as a general rule, not be less than the maximum amount of receipts, which it is estimated may be in the manager's hands at any one time.

4. The Court of Wards may in its discretion require any member of the subordinate managing establishment to furnish such security as it deems fit to ensure an efficient and faithful discharge of his duties.

5. The previous sanction of the Court of Wards shall be obtained to the following transactions by a manager, when the value in question exceeds Rs. 1,000, *viz* :—

(a) The expenditure of any sum or the incurring of any liability.

(b) The compromise of any claim.

6. Subject to the previous sanction of the Court of Wards, and the Chief Commissioner, and subject also to the provisions of the Ajmere Government Wards Regulation, 1888, and of these rules, a manager appointed under section 10 of the Regulation may entertain such ministerial and subordinate managing establishment as may be required to assist him in the efficient discharge of his duties under the Regulation and these rules.

7. The Collector of the District or other Revenue Officer when he is appointed manager may, subject to the rules in force under section 40 of the

Ajmere Laws Regulation, 1877, define the duties of the ministerial establishment entertained by him and make such orders, punishing, suspending, or dismissing any member of such establishment as he may think fit.

8. The establishment, ministerial as well as subordinate, managing now in the employ of the Court of Wards shall be deemed to have been entertained under this rule.

9. The manager shall keep in the forms given in the Appendix, or in such forms as the Chief Commissioner may, from time to time, prescribe, the following accounts in respect of each estate in his charge:—

- (a) An inventory of the property belonging to the Ward, in vernacular.
- (b) Cash book in English.
- (c) Contingent bill file, English and vernacular.
- (d) Salary bills of managing establishment, in English and vernacular.
- (e) Acquittance rolls of salaries, &c., disbursed, in vernacular.
- (f) Monthly balance sheet, in English.
- (g) Monthly statement of demands and collections, in vernacular.
- (h) Monthly statement of receipts and payments, in vernacular.
- (i) Account of half-yearly collections and outstanding Jamabandis, in vernacular.
- (j) Annual account of receipts and charges, in English.

10. As soon after the close of the financial year as possible, the manager shall submit the annual account together with a report of his operations to the Court of Wards, by whom it shall be submitted to the Chief Commissioner.

11. The annual report should give an account of the management during the past year with a full explanation of any considerable differences between the figures for the year and the year previous, and should show the condition of the estate, the system of management, the improvements effected, whether any scheme of systematic improvement is being carried out, and all other points of interest.

## Wards.]

*Rules.*

12. An explanation should be given whenever the cost of establishment exceeds 5 per cent. of the ordinary income. If villages have been leased, the character of the lessees, whether resident in the village or not, should be stated. In the case of minors the age, date of birth (which should be carefully ascertained by regular enquiry when the minor's estate is taken charge of) and provision for education should be mentioned ; also his progress in this respect.

13. [Cancelled *vide*, Notification No. 480—7-IV, dated 1st May 1889.] [1]

14. An Abstract Statement of Revenue and Expenditure in Form K, hereto annexed, shall be submitted to the Commissioner monthly for check and record in his office.

15. All Government securities, including stock notes and shares in Government Railways, the property of Government Wards, shall be forwarded to the Office of the Comptroller of India Treasuries, for safe custody, if it is likely that they will be held for a longer period than twelve months.

16. All Government securities, including stock notes and shares in Government Railways, which are likely to be returned within a period of twelve months, all securities other than Government securities and all title-deeds, the property of Government Wards, shall be deposited in the District Treasury for safe custody.

17. For the purpose of disposing of business connected with the management of estates of Government Wards under its superintendence, the Court of Wards shall have the powers conferred by the Code of Civil Procedure on a Civil Court in respect of the summoning and enforcing the attendance of parties and witnesses, and compelling them to give evidence or to produce documents, and of issuing commissions.

Such powers may be exercised by the same means, and as far as possible in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure.

18. The enquiry preliminary to the declaration by the Chief Commissioner under the second clause of section 7 of the Ajmere Government Wards

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[1] See *Gazette of India* for 1889, part II, page 238.

[Wards.

*Rules.*

Regulation, 1888, shall be made by the Collector, and shall contain information on the following points, *viz.* :—

- (1) Approximate value of the immoveable and moveable property in possession of the person said to be disqualified.
- (2) Annual income.
- (3) Annual expenditure.
- (4) Grounds showing whether the estate should be managed directly by the Court of Wards or left in charge of a friend or relative of the disqualified person, and in the latter case whether such friend or relative is willing and fit to undertake the responsibility, with or without payment of remuneration.
- (5) Proposals for the appointment of guardian of person.

19. The Court of Wards may require any manager under its control to produce for inspection the accounts kept by him and take or cause stock to be taken of the property in his charge.

20. When an estate is restored to the Ward in consequence of his attaining majority or by reason of cessation of disability, the accounts of income and expenditure for the period of management shall be made over to him, together with an inventory of the property held in trust by the Court, and his receipt for them shall be filed in the Court of Wards.

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CASH BOOK—(*In English.*)

81

Month of \_\_\_\_\_

Estate

[illegible]









# FORM NO. 6.

COURT OF WARDS, AJMERE.—(*In Vernacular.*)

Statement of Demands and Collections for \_\_\_\_\_ Estate for the Month of \_\_\_\_\_ 18

No.	HEADS.	PARTICULARS.	ACCOUNT OF THE BALANCE OUTSTANDING FROM THE LAST YEAR.				ACCOUNT OF THE REVENUE FOR THE CURRENT YEAR.				DISPOSAL OF RECEIPTS.					REMARKS.
			Balance outstanding at the close of the last month.	Collections.	Balance outstanding at the close of the current month.	Balance outstanding at the close of the last month.	Demand.	Total.	Collections.	Balance outstanding at the close of the current month.	Closing balance of the last month with the Kamdar.	Collections during the month (total of columns 5 and 10).	Total.	Amount remitted into the Treasury.	Closing balance with the Kamdar.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

[Wards.



FORM NO. 8.

COURT OF WARDS, AJMERE.—(*In Vernacular.*)

*Abstract of Jamabandi of the income for Fasl* \_\_\_\_\_ *S.* \_\_\_\_\_ *of* \_\_\_\_\_ *Estate Pargana.*

No.	NAME OF MOUZAH.	KENTS RECOVERED IN		Cesses.	Chowkidari.	Miscellaneous.	TOTAL.	REMARKS.
		Kind.	Cash.					
		(Details of in- come in kind.)	(Details of in- come in cash.)	(Details.)	(Details, if any.)	(Details.)		



## Annual Account of Receipts and Charges of

RECEIPTS.	Demand for the year			Collection during the year.			Balance.			REMARKS.
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	
OPENING BALANCE.										
Opening Balance of last year	...	...	...	...	...	...	...	...	...	
In Ajmere Treasury, Rs.	...	...	...	...	...	...	...	...	...	
With Kamdar ..	...	...	...	...	...	...	...	...	...	
Promissory Notes ..	...	...	...	...	...	...	...	...	...	
Imprest ..	...	...	...	...	...	...	...	...	...	
INCOME.										
<i>Rents—</i>										
Rents of current year	...	...	...	...	...	...	...	...	...	
Do. of past ..	...	...	...	...	...	...	...	...	...	
<i>Miscellaneous—</i>										
Cesses of current year	...	...	...	...	...	...	...	...	...	
Do. of past ..	...	...	...	...	...	...	...	...	...	
Chowkidari current year	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
Interest for current year	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
Debts, recoverable, current year	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
Taccavi, current ..	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
Miscellaneous, current ..	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
House-rent, current ..	...	...	...	...	...	...	...	...	...	
Do. past ..	...	...	...	...	...	...	...	...	...	
Past and previous balances	...	...	...	...	...	...	...	...	...	
Compensation of salt pans	...	...	...	...	...	...	...	...	...	
Garden produce, current year	...	...	...	...	...	...	...	...	...	
Loans borrowed	...	...	...	...	...	...	...	...	...	
Deposits	...	...	...	...	...	...	...	...	...	
<i>Refunds—</i>										
Cheques	...	...	...	...	...	...	...	...	...	
Savings	...	...	...	...	...	...	...	...	...	
TOTAL INCOME										
GRAND TOTAL RECEIPTS										

AJMERE,

[Wards.]

No. 9.

OFFICE.—(*In English.*)

*Estate for 129 -9 , Fusli, corresponding with 18 , -S. 194 -4 .*

No.	EXPENDITURE.	Amount.			Closing balance.			REMARKS.
		Rs.	A.	P.	Rs.	A.	P.	
1	Government Dues ... ..							
2	Expenses of Education and Maintenance of and allowance to the Minor ... ..							
3	Maintenance of and allowance to Relations ... ..							
4	Matrimonial and Funeral expenses ... ..							
5	Religious, Charitable and Ceremonial grants ... ..							
6	Revenue Management ... ..							
7	Police, viz., Chowkidars ... ..							
8	Maintenance and purchase of Live Stock ... ..							
9	Improvements and Repairs to Tanks ... ..							
10	Do. do. Wells ..							
11	Do. do. Buildings ... ..							
12	Grass preservation and tree planting ... ..							
13	Garden expenses ... ..							
14	Repayment of Debt ... ..							
15	Expenses of Hospitality ... ..							
16	Advances to Tenants ... ..							
17	Refund ... ..							
18	Construction of Shops in City Extension ... ..							
19	Loans ... ..							
20	Interest ... ..							
21	Court Expenses ... ..							
22	Subscription and special charges ... ..							
23	Income tax ... ..							
24	Miscellaneous ... ..							
	GRAND TOTAL ...							

*Officer in Charge Court of Wards, Ajmere.*



## APPENDIX A.

(Referred to in foot note (a) at page 5.)

*Extract from letter No. 158J, dated the 25th October 1875, from the Secretary to the Government of India to the Officiating Chief Commissioner, Ajmere.*

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115.—I am now to notice the Schedule of Acts appended to the committee's draft Regulation. This Schedule has been omitted. The Acts contained in it are for the most part Acts which extend to Ajmere *proprio Vigore*. It is therefore unnecessary that they should be declared in force by a legislative enactment. Any Acts mentioned in the Schedule which do not at present apply to Ajmere, or regarding the application of which there is a doubt, can be extended or declared under the Scheduled District Act.

\* \* \* \* \*

119.—I am here to notice your letter No. 1028, dated 28th December 1874, it has been ruled that the effect of Act XV of 1874 is not, as you understand, to suspend laws already in use in a Scheduled District, and that in this respect the Scheduled Districts remain in exactly the same position as before. You may, however suggest the incorporation, in the notification, under the Scheduled Districts Act, of all or any of the Acts included in Schedule B, which formed an accompaniment of your letter No. 1028, dated 28th December last.

*From the First Assistant to the Chief Commissioner, Ajmere-Merwara, to the Commissioner, Ajmere-Merwara, No. 305 dated 20th April 1883.*

I am directed to acknowledge the receipt of your letter No. 280J, dated 11th April 1883, referring for orders a question raised by the Assistant Commissioner, Ajmere, as to whether Act VI of 1864 (the whipping Act) is properly in force in Ajmere-Merwara (one of the Scheduled Districts) by *proprio Vigore*, or whether consequent on the passing of Acts XIV and XV of 1874 (the Scheduled Districts and Laws Local Extent Acts), it was necessary specially to extend it.

2. In reply I am to say that the question was decided by the Government of India as far back as 1875, when it was ruled (see Foreign Department letter No. 158J, dated 25th October 1875), "that the effect of Act XV of 1874 is not to suspend laws already in use in a Scheduled District and that in this respect the Scheduled Districts remain in exactly the same position as before."

3. The savings clause S (c) of Act XV of 1874 is also applicable and for those reasons the Chief Commissioner does not consider that any action in the matter is now either necessary or advisable.

4. The Whipping Act must therefore be held, as heretofore to apply to the Ajmere-Merwara District by its own vigour.

5. A separate communication will be addressed to you on the subject of your para 11.

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FROM

A. MACKENZIE, Esq., C.S.,

SECRETARY TO THE GOVERNMENT OF INDIA.

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL.

No. 604, Simla, the 5th May 1884.

SIR,

I am directed to acknowledge the receipt of your letter No. 732, dated the 22nd May last, submitting, for approval and publication in the *Gazette of India*, two draft Notifications under sections 3 and 5 of Act XIV of 1874 (the Scheduled Districts Act) regarding enactments to be declared in force in, or to be extended to, the Mehal of Angul.

2. In reply, I am to communicate the following observations. The question whether a particular enactment should be included in a notification issued for a scheduled district under section 3 of section 5 of the Scheduled Districts Act is one which, as a rule, requires careful consideration, and as it appears, from the mode in which applications for sanction to the issue of such notifications are at times made by Local Governments that some misapprehension prevails regarding this matter, the Governor-General in Council deems it well to take the present opportunity to explain the manner in which such questions should be treated.

3. In the first place I am to observe that section 3 of the Scheduled Districts Act, though it is worded in the most general terms, was intended merely to provide a means of removing doubts, and that therefore its use should be restricted to cases in which there is some room for doubt as to whether an enactment is or is not in force in the scheduled district in question.

4. Accordingly, when an enactment by its terms clearly applies to a scheduled district specifically, or to the entire province in which that district is comprised, or to the whole of British India, and there is no reason to be found in a special deregulationizing enactment or otherwise for supposing

that its operation may be in any way barred or restricted, the Governor-General in Council has, as a rule, declined to sanction its being declared in force under section 3 of the Scheduled Districts Act, and this appears to be the safest course, inasmuch as any attempt to frame an exhaustive declaration of all enactments in force is likely to fail, and the issue of a declaration which is evidently intended to be exhaustive, but which is incomplete, is calculated to create doubts regarding such enactments as may happen to be omitted from it. If a Local Government considers it convenient that the officers administering a scheduled district should be furnished with as complete lists as possible of the enactments in force in that district, there can be no objection to its compiling such lists; but they will best be issued not under the Scheduled Districts Act, but unauthoritatively in the same way as the various codes and Tables of Acts issued by the Legislative Department of the Government of India.

5. On the other hand it need hardly be observed that when it appears, having regard to all the circumstances of the case, that an enactment clearly is in force or clearly is not in force in a Scheduled district, a notification cannot properly be issued under section 3 of the scheduled Districts Act declaring that it is not in force or is in force (as the case may be). Such a declaration would, no doubt, under section 4 of the Act, be above question, but the issue of it would be a manifest abuse of the powers conferred by the Act.

6. It being thus understood that in order to warrant the issue of a notification under section 3 of the Scheduled Districts Act, there must be some room for doubt, the next point to be considered is the nature of the doubts which ordinarily necessitate the issue of such a notification. Perhaps the commonest case is that of an enactment which contains nothing in the way of a local extent clause, or which is so framed as to leave the area of its local application in some degree doubtful. Within this category fall most, if not all of the enactments specified in the first five schedules annexed to the Laws Local Extent Act, 1874. The difficulty thus arising is removed by that Act so far as regards the whole of British India, with the exception of the scheduled districts; and in regard to these districts, it has to be removed by a declaration under section 3 of the Scheduled Districts Act. It is accordingly to be taken as the rule that the circumstance of an enactment being included in one of the first five schedules to the Laws Local Extent Act is a sufficient reason for making it the subject of a declaration under section 3 of the Scheduled Districts Act.

7. Again, a doubt as to whether a given enactment is in force in a scheduled district may arise from one of those special enactments passed from time to time for some of the scheduled districts, and commonly called deregulationizing enactments which purport to bar the operation in the scheduled district of general enactments previously passed or of future general enactments as well. One of these deregulationizing enactments may be sometimes so loosely worded as to leave it doubtful whether it bars the operation in the scheduled district of a particular enactment which, having regard to its wording, would otherwise clearly apply; and when this is the case, a notification under section 3 of the Scheduled Districts Act is the proper remedy.

8. In the two classes of cases just referred to, the doubt is a patent one manifest on the face of the Statute Book; but there are other cases in which a doubt arises from something outside the Statute Book, and especially from the way in which the enactment in question has been treated in the scheduled district.

9. The Scheduled Districts Act proceeds on the assumption that there was in times past a certain haziness as to the laws in force in the scheduled districts; that enactments came to be regarded as in force in them, though never regularly extended to them and by their terms inapplicable to them; and that, notwithstanding the absence of any deregulationizing enactment, enactments which by their terms would apply, came to be regarded as not applicable. One of the main objects of the Scheduled Districts Act, as will be seen from Sir A. Hobhouse's speech in Council on the 8th December 1874 was to provide a means of removing all doubt as to the legality of this questionable state of things, and accordingly the 3rd section of that Act empowers the Government of India to issue a declaration, not merely in regard to enactments regarding which there may, on the face of the Statute Book, be room for doubt but in regard to all enactments.

10. From the foregoing observations it will be seen that the proper course to follow in dealing with an enactment under section 3 of the Scheduled Districts Act is, in the first instance, to look to the Statute Book, and see whether, on the face of it, having regard among other matters to any deregulationizing or other special Act applicable to the Scheduled District, the enactment in question appears to be in force in such district. If it seems on the face of the Statute Book to be in force, then the history of the matter to



which it relates in the District in question should be looked to in order to see whether there is in this anything to warrant a doubt of the nature contemplated by the Scheduled Districts Act, as to whether the operation of the enactment may not in some way have become barred. If there is nothing to warrant such a doubt it is improper to declare under section 3 of the Scheduled Districts Act that the enactment is not in force, and it will probably be superfluous to declare that it is in force. If, on the other hand, it is found that, in the practice of the Courts and officers in the district, or elsewhere in the history of the district, there is something to warrant a doubt of the nature referred to above, then the case is a fit one for the issue of a declaration under section 3, declaring the enactment either not to be in force or to be in force, as may, on a consideration of all the circumstances, be deemed proper.

11. When an enactment seems on face of the Statute Book not to be in force in a Scheduled District, the history of the district should be looked to and if nothing is found in it to suggest the view that the enactment has by some means come into force, it cannot be properly declared that the enactment is in force, and it will probably be superfluous to declare under that section that it is not in force. If, on the other hand, anything in the history of the district suggests the idea that the enactment has somehow or other come into force there, then the case will be a fit one for the issue of a declaration under section 3 of the Act, either declaring the enactment to be in force or declaring it not to be in force, as a consideration of all the circumstances may dictate.

12. As to what is sufficient to raise a doubt whether an enactment appearing on the face of the Statute Book to be in force is actually in force or conversely, that is a matter which it is impossible to define. The ordinary ground of doubt is obviously a long continued course of action proceeding on the assumption that an enactment appearing on the face of the Statute Book to be in force is not in force or conversely.

13. Shortly, section 3 of Act XIV of 1874 should be used where a doubt as to the application of an enactment to a particular area arises either from the wording of the enactment or from the course of practice which has been followed in the area, and not otherwise.

14. The mode in which the power conferred by section 3 of the Scheduled Districts Act should be used being understood, the exercise of the power of extending enactments conferred by section 5 calls for but little re-

mark. It will doubtless be perceived that cases may at times arise in which, owing to the doubt which surrounds the subject, it will be practically open to the Government either to declare an enactment in force or to extend it, and that though in some such cases it may be of little or no importance which course is adopted, in others, on the contrary, the effect of adopting each course will have to be carefully considered. Thus, when the officers administering a scheduled district have to any extent acted on the assumption that an enactment has been in force in the district, the issue of a Notification extending it, and thereby suggesting that it was not previously in force, may have the effect of throwing doubt on the legality of some of those proceedings. Conversely when those officers have been acting on the opposite assumption a declaration that the enactment is in force may have a like result.

15. I am further to observe that in some cases in which there is room for doubt as to whether an enactment has been in force, and it is ultimately determined that the proper course is to extend it under section 5 of the Scheduled Districts Act, it may be well, in order to prevent difficulties of the nature just referred to to preface the Notification extending the enactment by one under section 3 of the Act, declaring that it is not in force; in other words, first to declare that it is not in force and then extend it.

16. Another remark I am to make is that when it is desired to extend to a scheduled district an Act containing within itself a power of extension, it is better to use that power than to resort to the extraordinary power conferred by section 5 of the Scheduled Districts Act.

17. Lastly, I am to request that every proposal for the issue of a Notification under section 3 or section 5 of the Scheduled Districts Act submitted to the Government of India may be accompanied by explanations showing the reasons which have led to the inclusion of each enactment in the draft. Such explanations should be prepared in consultation with the Legal Remembrancer or other legal adviser of the Local Government, and, when the enactments referred to are numerous, would be most conveniently given in the form of a tabular statement A.

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## ADDENDA.

 Please cut the Slips and affix them in their proper places.

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[Acts.

### Note at page 2.

Substitute XII of 1896 for XXII of 1881 as amended by  
Act VI of 1885  
„ X of 1893  
against (2) the Excise Act.

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[Acts.

### Add the following to para. 6 on page 15.

- (3) The Specific Relief Act 1877 (1 of 1877).
- (4) The Indian Easements Act 1882 (V of 1882.)

(Extended to Ajmere-Merwara by Chief Commissioner's Notification No. 7, dated the 13th October 1897. See *Gazette of India*, Part II for 1897, page 1415.)

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[Acts.

### Add as a footnote on page 15.

The provisions of sections 2 to 12 (both inclusive) of Act XI of 1890 (Prevention of Cruelty to animals), extended to the Local areas comprised in the limits of—

- (1) The Municipality of Ajmere.
- (2) The Municipality of Beawar.
- (3) The Municipality of Kekri.
- (4) The Cantonment of Nasirabad.

(Chief Commissioner's Notification No. 650, dated the 19th June 1897 *Gazette of India*, Part II for 1897, page 771.)

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## ADDENDA.

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[Arms.]

Substitute the following rule for rule 6 D at page 62.

6 D. Notwithstanding anything in rule 6 the Secretary to the Government of India in the Foreign Department, or any officer specially empowered by the Governor-General in Council in this behalf, may grant a license to export ammunition or Military stores, or to export arms other than cannon or than such rifles as come within the operation of Rule 5 of these Rules, from the port of Calcutta, Madras, Bombay, Rangoon, Calicut, Karachi or Aden to any port in a Native State in India or to any foreign port in foreign territory.

Provided that no license shall be granted under this rule to export ammunition, Military stores or arms as aforesaid to any port on the coast of Arabia other than a port within the area of the Political Jurisdiction of the Political Resident at Aden, or of the Political Resident in the Persian Gulf or of the Political Resident in Turkish Arabia.

Provided also that no officer other than that the Resident at Aden, shall be specially empowered under this rule to grant a license to export ammunition, Military stores or arms as aforesaid to any port on the coast of Africa or Arabia which is within the area of the Political Jurisdiction of the said Resident at Aden.

(Notification No. 1303, dated 5th September 1895, *vide Gazette of India*, dated 5th Sept. 1895, superseding Home Department Notifications Nos. 1905, dated 15th Sept. 1892, and 488, dated 17th March 1894.)

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[Arms.]

Add to Rule 14 of paragraph VI on page 66.

"When a Commissioner of Police or Magistrate of a District receives an application for a license in Form IX from a person who is not resident within his jurisdiction, or is not personally known to him, he shall, before granting the license, ascertain from the Commissioner of Police of the Presidency Town or the Magistrate of the District or the Political officer for the foreign territory, in which the applicant resides, whether there is any objection to the grant of the license, unless for reasons to be recorded he considers this precaution to be clearly unnecessary."

(Added by Notification No. 1264, dated 29th August 1895, *vide Gazette of India*, dated 31st August 1895, Part I, page 730.)

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## ADDENDA.

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[Arms.

Add as condition 9 A. to Form VI on page 86.

"9 A. The license-holder shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person requiring such arms or ammunition is for the time being residing. But this prohibition does not apply to Government officials exempted from the operation of sections 13-16 of the Arms Act by Notification under section 27 of the Act or to persons whose names are included in a list compiled by the District Magistrate, and who declare that they purchase for their own use."

(Added by Notification No. 960, dated 19th June 1895, *vide Gazette of India*, dated 22nd June 1895, Part I, page 559.)

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[Arms.

Add as condition 9 A. to Form VII on Page 89.

"9 A. The license-holder shall not sell arms or ammunition to any person without the permission in writing of the Magistrate of the district in which the person requiring such arms or ammunition is for the time being residing. But this prohibition does not apply to Government officials exempted from the operation of sections 13-16 of the Arms Act by Notification under section 27 of the Act or to persons whose names are included in a list compiled by the District Magistrate, and who declare that they purchase for their own use."

(Added by Notification No. 960, dated 19th June 1895, *vide Gazette of India*, dated 22nd June 1895, Part I, page 559.)

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# ADDENDA.

[Births, Deaths and Marriages.

Page 157.

[a] No. 296.—*Dated the 26th October, 1894.*

In continuation of the Notification of the Government of India in the Home Department No. 1173, dated the 19th July 1888, the Governor-General in Council is pleased to publish the following rules under Section 36 (a) of the Births, Deaths, and Marriages Registration Act No. VI of 1886.

1. The following fees shall be payable under section 35 of the said Act namely:—

	Fees.
	Rs. A. P.
For inspection of the descriptive list of registers or records delivered to the Registrar-General by Commissioners appointed under Chapter V of the said Act ... ..	1 0 0
For each copy of an entry in any register or record described in the above-mentioned descriptive lists ... ..	1 0 0

Provided that soldiers and non-commissioned officers of Her Majesty's Regular forces and all seamen shall be exempted from the payment of the foregoing fees, when the same are payable to a Registrar-General or a Government servant who is not a Minister of Religion.

2. When fees payable under the foregoing rule are received by a Registrar-General or any person being a Government servant and not a Minister of Religion, having the custody of any such registers or records as aforesaid, they shall be entered in a register and otherwise treated as if they were fees realized under the rules published under the Notification No. 1173, dated 19th July 1888, above referred to. When such fees are received by any other person, they may be retained by such person.

[a] *Gazette of India*, dated 27th October 1894, Part I, page 580.

Page 171.

[Cantonment.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

[a] No. 901.—*Dated Abu, the 20th August 1898.*

In exercise of the powers conferred by Section 26 of the Cattle Trespass Act (I of 1871) as amended by Act I of 1891, the Chief Commissioner of Ajmere-Merwara is pleased to direct, with respect to the Cantonment of Nasirabad, that the first portion of the said section shall be read as if it had reference to cattle generally instead of the pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees."

[a] *The Gazette of India*, August 27th 1898, Part II, page 933.



GOVERNMENT OF INDIA MILITARY DEPARTMENT.

(JUDICIAL.)

[a] No. 1148.—*Dated the 15th October 1897.*

In continuation of the notification of the Government of India in the Military Department, No 750, dated the 9th July 1897, and in supersession of the rules published in G. G. O. No. 460, dated the 3rd May 1895, and of any rules hitherto issued which are inconsistent with the rules hereby published, the Governor-General in Council is pleased to make the following rules under sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), and to direct that they be put in force in all cantonment in British India.

Definitions.

1. In these rules—

- (a) The expression "bazar" means any land set apart for occupation by natives of India, except the lines of native troops;
- (b) The expression "regimental bazar" means any bazar under the management of regimental authorities;
- (c) The expression "infectious or contagious disorder" includes cholera, leprosy, enteric fever, venereal disease, and every infectious or contagious disorder; and
- (d) The expression "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

Hospitals or dispensaries.

2. (1) So far as the funds at its disposal permit, the Cantonment Authority may—

- (a) Provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or
- (b) Make upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary whether within or without the cantonment, not maintained by it.

2. Every hospital or dispensary maintained or aided under this rule shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

[a] *Vide Gazette of India, dated the 16th October 1897, Part I, page 941.*



## ADDENDA.

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3. A medical officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under rule 2.

4. Subject to the control over the Cantonment Fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, there shall be appointed for every hospital or dispensary maintained or aided under rule 2 such subordinate establishment as may be necessary. XIII  
of 1889.

5. So far as the funds at its disposal permit, the Cantonment Authority shall cause every hospital or dispensary maintained or aided under rule 2 to be provided with—

(a) All necessary drugs, instruments, apparatus, furniture and appliances;

(b) Sufficient cots, bedding and clothing for in-patients; and

(c) Such further requisites as may be necessary.

6. Every hospital or dispensary maintained or aided under rule 2 shall be maintained in accordance with the rules made generally or specially by the Governor-General in Council or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor-General in Council or the Local Government may think proper.

7. At every hospital or dispensary maintained or aided under rule 2 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders, and with the sanction of the Cantonment Authority, any other sick persons may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, should the medical officer in charge so direct, granted subsistence allowance on a scale to be determined by the Cantonment Authority:

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 338 of the Code of Civil Procedure. XIV  
of 1882.





## ADDENDA.

Exclusion of public prostitutes  
from regimental bazars.

12. No public prostitute shall be permitted to reside within the limits of any regimental bazar situate in the cantonment.

13. No person shall, in any street or public place within the limits of the cantonment, loiter for the purpose of prostitution or importune any person to the commission of sexual immorality :  
Loitering or importuning for sexual immorality prohibited.

Provided that no person shall be charged with a breach of this rule, except on the complaint of the person importuned or of a member of the British military police force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, or of an officer as defined in the Cantonments Act, 1889.

XIII  
of 1889.

Penalties. 14. Whoever,—

- (a) Having under rule 10 been prohibited from remaining in, or re-entering the cantonment, remains in, or re-enters, it without the written permission of the Commanding Officer ; or
- (b) Fails to comply with a notice under rule 11 ; or
- (c) Commits a breach of rule 13 :

shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days.

15. Any member of the police-force employed in the cantonment may arrest without a warrant, any person committing, or charged with having committed, an offence punishable under clause (a) or clause (c) of the last foregoing rule :  
Arrest without warrant.

Provided as follows :—

- (i) No person shall be so arrested whose name and address are known to either the complainant or the arresting officer :
- (ii) No person shall be so arrested who consents to give his or her name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall be on the arresting officer ;
- (iii) No person so arrested shall be detained after his or her name and address have been ascertained ;
- (iv) No person so arrested shall, except under the order of a Magistrate, be detained longer than may be necessary for bringing him or her before a Magistrate : and



## ADDENDA.

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(v) No person shall be so arrested for a breach of rule 13, except—

(a) At the request of the person importuned or of an officer as defined in the Cantonments Act, 1889, in whose presence the breach was committed, or XIII  
of 1889.

(b) By, or at the request of, a member of the British military police-force employed in the cantonment and specially authorised in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

### SCHEDULE.

(See rule 9.)

To \_\_\_\_\_

Take notice that under rule 9 of the Rules under the Cantonments Act, 1889 (XIII of 1889), published in the *Gazette of India*, 1897, Part I page \_\_\_\_\_ you are hereby called upon to attend at the \_\_\_\_\_ on \_\_\_\_\_ day, the \_\_\_\_\_, 189\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and not to quit the said \_\_\_\_\_ without the permission of the medical officer in charge unless and until such officer is satisfied that you are not in fact suffering, or are no longer suffering from an infectious or contagious disorder, that is to say from \_\_\_\_\_.

\_\_\_\_\_  
*Medical Officer in charge of the*

Dated \_\_\_\_\_ the \_\_\_\_\_, 189\_\_\_\_.

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## ADDENDA.

Cotton Duties.]

Page 180a.

[a] No. 916 I.—Dated the 13th March 1895.

In exercise of the power conferred by section 33 sub-section (1), clause (a), of the Cotton duties Act (XVII, 1894) the Governor-General in Council is pleased to make the following rule namely:—

The return of cotton yarn produced in any mill situated within the territories administered by the Chief Commissioner of Ajmere-Merwara to be delivered to the Collector by the owner of such mill in accordance with the provisions of section 7 of the said Act shall be in the form printed below, one line being given to each working day, and shall be verified by the owner by signing the certificate at foot of the form:—

Return of yarn produced at the \_\_\_\_\_ Mills during the  
month of \_\_\_\_\_ prepared and delivered to the Collector of  
\_\_\_\_\_ in accordance with section 7 of Act XVII of 1894.

[illegible]

\*These lines need not be filled up for yarn of any counts not exceeding 20S.

†These entries are required only in the case of mills which are Weaving as well as Spinning Mills.

I (or we) \_\_\_\_\_ certify that the above return contains to the best of my (or our) information and belief a true and complete Statement of the yarns spun and produced in the \_\_\_\_\_ Mills during the month \_\_\_\_\_ N. name \_\_\_\_\_ Designation \_\_\_\_\_

[a] *Vide Gazette of India*, dated the 16th March 1895, Part I, page 156.



## ADDENDA.

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[Cotton Duties.

Page 180b.

[a] No. 3280 I.—*Dated the 5th October 1895.*

In exercise of the powers conferred by section 33 of the Cotton Duties Act (XVII of 1894), the Governor-General in Council is pleased to make the following rules for carrying into effect the provisions of the said Act in the territories administered by the Chief Commissioner of Ajmere-Merwara :—

1. The owner of every mill shall prepare and deliver, or cause to be prepared and delivered, to the Collector on or before the 15th of each month, duly verified, a return under section 7 of the Act in Form I appended to these Rules.

2. The production of all counts or numbers of yarn shall be shown separately, provided that all counts not exceeding 20 may be shown in a single entry unless the Collector shall otherwise direct.

3. The Collector, on receipt thereof, shall check the return in any manner that may appear to him desirable, and may for such purpose examine and compare, or cause to be examined and compared, the accounts and records of the mill; and on being satisfied that the return is correct, he shall extract therefrom and prepare a statement of the amount of duty assessed thereon in Form II attached.

4. A copy of this statement shall be sent to the mill-owner, and unless he shall remit or tender the amount thereof within forty-eight hours after the receipt by him of such copy, the Collector may issue a notice of demand in Form III attached, demanding payment within ten days from the date of service thereof, in accordance with section 8 of the Act.

5. It shall be the duty of the mill-owner to supply, or caused to be supplied, such additional information as may be required by the Collector to explain the particulars given in the return: Provided that any such explanation shall, if the mill-owner makes a request in writing to that effect, be treated as confidential.

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[a] *The Gazette of India*, dated the 5th day of October 1895, Part I.





## ADDENDA.

Cotton Duties.]

Page 180c.

[a] No. 1249-959.—*Abu, the 23rd October 1895.*

In exercise of the powers conferred by section 2 of Act XVII of 1894, the Officiating Chief Commissioner of Ajmere-Merwara is pleased to appoint the Commissioner of Ajmere-Merwara “the Chief Customs Authority” in the Districts of Ajmere-Merwara, and the Assistant Commissioners of Ajmere and Merwara “Collectors,” under the said Act for their respective districts.

[a] *The Gazette of India*, dated the 2nd November 1895, Part II, page 1319.

Excise.]

Note at page 211.

Act XXII of 1881 (Excise) has been repealed by Act XII of 1896.

Excise.]

Page 229.

### ORDERS BY THE CHIEF COMMISSIONER OF AJMERE-MERWARA. NOTIFICATION.

No. 198.—*Dated Mount Abu, the 13th March 1879.*

In exercise of the powers vested in him by section 36 of Act X of 1871 (Excise) the Chief Commissioner of Ajmere-Merwara directs that the powers specified opposite the names of the following persons shall be exercised by them respectively, within the limits opposite their names:—

* * *	* * *	*
* * *	* * *	*
All the members of the Ajmere Police Force enrolled under Act V of 1861.	To exercise the powers of Excise Officers as specified in §43[a] of the Act.	Ajmere and Merwara.
Head constables in charge of Police Stations and officers above that rank.	To exercise the powers of Excise Officers as described in §44 and 45[a] of the Act.	Ajmere and Merwara.

[a] Sections 36, 43, 44 and 45 of Act X of 1871 correspond with sections 44 (i), 36, 37 and 38 of Act XII of 1896.

(This supersedes the Notification published in the Rajputana Official Gazette, dated 9th December 1872.)



# ADDENDA.

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[Excise.

*Rules for Intoxicating Drugs.*

Page 258.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

[a] *Abu, the 14th September 1898.*

**No. 1078-908.**—In exercise of the powers conferred by section 12, subsection (2), of the Excise Act, 1896 (XII of 1896), and with the previous sanction of the Governor-General in Council, the Chief Commissioner of Ajmere-Merwara is pleased to prohibit, in respect of the whole of the territories under his administration—

- (1) The cultivation of the hemp plant ;
- (2) The import of intoxicating drugs otherwise than by rail through the Ajmere Railway Station, and under the following conditions, namely :—
  - (a) That the import shall be under bond for payment in Ajmere-Merwara of the duty leviable, under the Notification of the Chief Commissioner No. 1079-908, dated the 14th September 1898, in respect of the drugs imported.
  - (b) That the drugs shall be consigned direct to the Collector of Excise Revenue, Ajmere-Merwara, and shall be forthwith removed to a bonded warehouse and kept there until the said duty is paid ; and
  - (c) That the person importing the drugs, or causing them to be imported, shall comply with the further conditions and requirements of the Excise Act, 1896, or of the rules made under section 19 thereof ; and
- (3) The transport of intoxicating drugs from one place to another except in accordance with a pass granted under section 20 of the said Act.

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**No. 1079-908.**—In exercise of the powers conferred by section 13 of the Excise Act, 1896 (XII of 1896), and with the previous sanction of the Governor-General in Council, the Chief Commissioner of Ajmere-Merwara is pleased to impose, in respect of the whole of the territories administered by him, the following duties on intoxicating drugs imported into the said territories, *viz* :—

- (a) On ganja, a duty of Rs. 3-0-0 per seer ;
- (b) On charas, a duty of Rs. 2-0-0 per seer ; and
- (c) On bhang, a duty of Rs. 5-0-0 per maund.

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[a] *Vide Gazette of India, dated 24th September 1898, Part II, page 1049.*



## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

Duty at the above rates will be calculated upon the gross weight of each package of ganja, charas or bhang as deposited in the bonded warehouse, less an allowance, on account of weight of packing material, of one half-seer for every complete ten seers of gross weight.

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**No. 1080-908.**—In exercise of the powers conferred by sections 14 and 19 of the Excise Act, 1896 (XII of 1896), and with the previous sanction of the Governor-General in Council, the Chief Commissioner of Ajmere-Merwara is pleased :—

1. To establish at the city of Ajmere a bonded warehouse for the storage of intoxicating drugs, and
  2. To lay down the following rules as to the payment of duty on intoxicating drugs in transit to, or stored in, the bonded warehouse so established :—
    - (a) The duties imposed under section 13, clause (b), of the Excise Act, 1896 (XII of 1896), by Notification No. 1079-908, dated 14th September, 1898, shall be paid on or before the removal of the drugs from the bonded warehouse.
    - (b) The duty shall be paid at the Ajmere-Treasury.
    - (c) The duty shall be paid by the importer.
    - (d) Duty may be paid to cover the removal either of the whole of the packages lodged in the warehouse, or of any quantity: Provided that in no case shall bulk be broken or duty accepted on a less quantity than an entire package as originally deposited.
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**No. 1081-908.**—In exercise of the powers conferred by section 19 of the Excise Act, 1896 (XII of 1896), and with the previous sanction of the Governor-General in Council, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules for the regulation of the bonded warehouse at Ajmere, and the import, transport and possession of intoxicating drugs :—

1. Subject to the conditions of his lease and to the restrictions laid down in the Notification of the Chief Commissioner, No. 1078-908, dated 14th September 1898, a farmer of intoxicating drugs may import such drugs into Ajmere-Merwara: Provided that a pass is obtained by him from the Collector of Excise Revenue, Ajmere-Merwara, in that behalf.
-



## ADDENDA.

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[Excise.

*Rules for Intoxicating Drugs.*

2. The importer shall apply to the Collector of Excise Revenue, Ajmere-Merwara, in writing for such pass, and the application shall be in the following form :—

- (1) Name of importer.
- (2) Quantity and description of drugs to be imported.
- (3) Place whence drugs are to be imported.
- (4) Route by which drugs are to be imported.
- (5) Person in whose name pass is to be issued.

3. The Collector of Excise Revenue, Ajmere-Merwara, shall, unless he sees reason to the contrary, grant a pass in triplicate in such form as the Chief Revenue authority may from time to time prescribe. The first part shall be given to the importer; the second shall be sent by post to the Collector of the district of export, and, in the case of Native States, to the Political Officer, with a request to him (which may be printed on the form) to take action under rule 5 below; the third shall be the counterfoil retained in the office of issue.

4. A register of passes issued under rule 3 shall be kept in the office of the Collector of Excise Revenue, Ajmere-Merwara.

5. The person named in the pass shall present it to the Collector or the Political Officer in the district or Native State concerned, in order that such officer may return it to him after endorsing on it the quantity of drugs to be exported, and making similar entries on the back of the copy of the pass received by him, before returning it by post direct to the Collector of Excise Revenue, Ajmere-Merwara.

6. The person named in the pass, after making his purchases, shall have the drugs securely packed and sealed, and consigned, as required by the Notification of the Chief Commissioner, No. 1087-908, dated the 14th September 1898, direct to the Collector of Excise Revenue, Ajmere-Merwara, and shall forthwith hand over his pass and the railway receipt to the said Collector, who shall cause the consignment, on receipt, to be conveyed, in charge of some responsible official, to the bonded warehouse, to be subsequently dealt with under the rules provided for such warehouse.

7. The cost of conveying the consignment from the railway to the bonded warehouse and all risks incidental to such transport shall be borne by the importer.





## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

8. On the arrival of a consignment at the warehouse, the Excise Inspector or other official in charge of the warehouse shall, in presence of the importer or his agent, and before allowing the drugs to be stored, note the condition of the packages. He shall also ascertain the total quantity and note the condition in which the drugs are received, whether dry or damp, sound or in process of deterioration or decay. All these particulars shall then be entered in the register of imports hereinafter referred to.

9. Each package of drugs shall on receipt be weighed separately in its original packing, and from the gross weight of each package so ascertained an allowance of one half-seer for every complete 10 seers of gross weight shall be deducted as a set-off for packing materials; and the weight of the package thus reduced shall be taken as the true weight of the drugs for the purposes of these rules.

10. If the total gross weight of the consignment does not agree with the entries in the pass and railway receipt, under which the drugs have been imported, the circumstances shall be reported to the Collector of Excise Revenue, Ajmere-Merwara, who shall, in any case in which the deficiency is material, cause inquiries to be made from the railway authorities, and report the result for the information and orders (if any) of the Commissioner of Ajmere-Merwara.

11. Should there be any increase of weight, the full quantity delivered at the warehouse should be taken as the weight of the consignment for the purposes of these rules.

12. All packages after examination and weighment shall be registered in one or other of the daily registers of deposits and withdrawals of drugs kept in such forms as the Chief Revenue authority may from time to time prescribe, according to the description of drugs. The registration shall be by package, and each package shall have its separate registered number. The weight shall be clearly noted against each package, and no change shall on any account be made without the approval and sanction previously obtained of the Collector of Excise Revenue, Ajmere-Merwara.



## [Excise.

### *Rules for Intoxicating Drugs.*

8. On the arrival of a consignment at the warehouse, the Excise Inspector or other official in charge of the warehouse shall, in presence of the importer or his agent, and before allowing the drugs to be stored, note the condition of the packages. He shall also ascertain the total quantity and note the condition in which the drugs are received, whether dry or damp, sound or in process of deterioration or decay. All these particulars shall then be entered in the register of imports hereinafter referred to.

9. Each package of drugs shall on receipt be weighed separately in its original packing, and from the gross weight of each package so ascertained an allowance of one half-seer for every complete 10 seers of gross weight shall be deducted as a set-off for packing materials; and the weight of the package thus reduced shall be taken as the true weight of the drugs for the purposes of these rules.

10. If the total gross weight of the consignment does not agree with the entries in the pass and railway receipt, under which the drugs have been imported, the circumstances shall be reported to the Collector of Excise Revenue, Ajmere-Merwara, who shall, in any case in which the deficiency is material, cause inquiries to be made from the railway authorities, and report the result for the information and orders (if any) of the Commissioner of Ajmere-Merwara.

11. Should there be any increase of weight, the full quantity delivered at the warehouse should be taken as the weight of the consignment for the purposes of these rules.

12. All packages after examination and weighment shall be registered in one or other of the daily registers of deposits and withdrawals of drugs kept in such forms as the Chief Revenue authority may from time to time prescribe, according to the description of drugs. The registration shall be by package, and each package shall have its separate registered number. The weight shall be clearly noted against each package, and no change shall on any account be made without the approval and sanction previously obtained of the Collector of Excise Revenue, Ajmere-Merwara.



## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

13. All drugs after examination, weighment and registration shall be placed in store. Each package shall have attached to it a card on which shall be noted—

- (1) A number corresponding to the number in the register of deposits.
- (2) The owner's name.
- (3) Weight and description of drugs in the package.
- (4) Date of deposit.

All drugs in the warehouse shall, as far as possible, be separately stored according to the description of the drugs. The property of each depositor shall also, as far as possible, be separately arranged in the order of the numbers on the packages.

14. On the deposit of drugs in a warehouse, the depositor shall be furnished with a pass-book free of charge. No drugs shall be subsequently received or withdrawn from the warehouse without the production of the pass-book. All entries in the pass-book shall be made by the officer in charge of the warehouse at the time of deposit or withdrawal of drugs, and each entry of deposit or withdrawal shall be verified by his initials. Depositors should examine their pass-books before leaving the warehouse and ascertain that the entries are correct.

15. On exhaustion of the stock of drugs covered by the pass-book it shall be retained by the officer in charge of the warehouse, and shall be re-issued on a further deposit being made, but not otherwise.

16. On satisfactory proof of the loss of a pass-book a duplicate may be issued with the sanction of the Collector of Excise Revenue, Ajmere-Merwara, on payment of a fee of Re. 1.

17. All pass-books shall be kept in safe custody by the depositors. As no drugs can be deposited or withdrawn without the production of the pass-book, the Government accepts no responsibility for any loss caused to depositors, should any unauthorized person obtain possession of the pass-book, and thereby fraudulently procure delivery of drugs.

18. The depositor shall not alter or manipulate in any way the entries in his pass-book.



[Excise.

*Rules for Intoxicating Drugs.*

19. Before the removal of any package from the warehouse the depositor or his authorized agent shall apply to the Collector of Excise Revenue, Ajmere-Merwara, stating the description and quantity of the drugs. On receiving such application the said Collector shall, unless he sees reason to the contrary, grant a pass in accordance therewith in such form as the Chief Revenue authority may from time to time prescribe.

20. The duty on the drugs to be removed under such pass shall be paid at the Ajmere Treasury.

The pass-holder or his authorized agent shall tender to the officer in charge of the treasury the amount of the duty, together with the application in duplicate in such form as the Chief Revenue authority may from time to time prescribe, giving the registered weight and other particulars of the packages of drugs to be removed as stated in the depositor's pass-book, and the officer in charge of the treasury shall, after ascertaining that the amount tendered is correct, receive the amount and return one copy of the application to the pass-holder after endorsing thereon a treasury receipt for the amount of the duty.

21. The pass-holder or his authorized agent shall then present the copy of his application with the treasury receipt endorsed thereon as provided in rule 20, to the Collector of Excise Revenue, Ajmere-Merwara, who shall, unless he sees reason to the contrary, permit the removal of the packages of drugs specified therein.

22. On arrival at the warehouse the pass-holder or his authorized agent shall present his pass to the officer in charge who, after comparing it with the copy of the pass received direct from the Collector of Excise Revenue, Ajmere-Merwara, and satisfying himself that the duty paid fully covers the full weight of the packages to be removed, shall allow their removal. He shall note on the reverse of both copies of the pass the registered number of packages and their weight and the date of delivery, making over to the pass-holder his copy of the pass and sending to the Collector of Excise Revenue, Ajmere-Merwara, the copy received direct.

23. The officer in charge of the warehouse shall at the same time record the necessary entry of withdrawal of the package in the daily registers of





## ADDENDA.

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[Excise.

*Rules for Intoxicating Drugs.*

deposits and withdrawals of drugs referred to in rule 12 and in the warehouse pass-book.

24. The warehouse dues (if any) unpaid at the time of the removal of drugs from the warehouse shall, prior to such removal, be demanded in the manner prescribed by section 15, sub-section (1), of the Act by the officer in charge, who shall, on payment, grant a receipt for the same.

25. All amounts realized shall forthwith be remitted to the Ajmere Treasury and a receipt obtained therefor.

26. A register of warehouse dues shall be maintained in the warehouse in such form as may be prescribed from time to time by the Chief Revenue authority. An extract from this register shall be sent monthly to the Collector of Excise Revenue, Ajmere-Merwara, and to this extract shall be attached the several treasury receipts covering the dues realized and credited to the Government.

27. At the close of the month the necessary entries shall be made in the abstract registers of deposits, withdrawals and balances of drugs in the warehouse. The whole of the drugs in stock shall then be verified by counting the packages in the warehouse on the last day of each month and by comparing the particulars on the cards with those in the registers. This shall be the duty of the Excise Inspector, who shall sign a certificate of his having done so. A monthly return shall be prepared and submitted to the Collector of Excise Revenue, Ajmere-Merwara, who shall, after satisfying himself of the correctness of the entries, transmit a copy under his own signature to the Commissioner of Ajmere-Merwara. To this return shall be attached the Excise Inspector's certificate of verification.

28. The rules in force for the time being for the inspection and supervision of distilleries shall, as far as may be, apply to warehouses for the storage of drugs.

29. No person shall be admitted into the warehouse between sunset and sunrise without the written authority of the Collector of Excise Revenue, Ajmere-Merwara.



## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

30. No persons, except the following, shall be admitted into the warehouse at any time, and these only in the presence of the officer in charge of the warehouse:—

- (a) Depositors, purchasers or their authorized agents when storing or removing their stock.
- (b) Members of the sanctioned staff of the warehouse, including weighmen and carriers, who may be engaged in the deposit or removal of drugs on behalf of depositors and in such numbers only as the officer in charge may consider absolutely necessary.

31. A sufficient watch and ward shall be maintained at the warehouse to ensure the safe custody of the drugs in bond. Owners will be at liberty to employ their own chowkidars in addition.

32. The warehouse shall have only one door secured by a Chubb's lock, the key of which shall be kept by the officer in charge of the warehouse.

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No. 1082-908.—In exercise of the powers conferred by section 20 of the Excise Act, 1896 (XII of 1896), the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules to regulate the grant of passes for the transport of intoxicating drugs:—

1. The transport from one part of Ajmere-Merwara to another of all intoxicating drugs in excess of the maximum quantities specified in section 3 sub-section (1), clause (n), of the Excise Act, 1896, shall be under cover of a pass granted by the Collector of Excise Revenue, Ajmere-Merwara. The pass shall be in form (A), or in such other form as the Chief Commissioner may from time to time prescribe, and on expiry shall be returned to the said Collector.

2. All intoxicating drugs brought into any place in Ajmere-Merwara from the bonded warehouse at Ajmere shall be covered by the pass required by rule 19 of the rules issued by the Chief Commissioner under section 19 of the said Act, the form of which is prescribed in rule 4, Part II, of the rules made by the Chief Commissioner under section 65 of the said Act.



# ADDENDA.

## [Excise. Rules for Intoxicating Drugs.

### FORM A.

#### *Pass for transport of drugs.*

No.	Date.	No.	Date.
(1) Name of farmer—		(1) Name of farmer—	
(2) Name of person in charge of consignment—		(2) Name of person in charge of consignment—	
(3) Place from which drugs are to be transported—		(3) Place from which drugs are to be transported—	
(4) Place to which drugs are to be transported		(4) Place to which drugs are to be transported	
(5) Description of drugs—		(5) Description of drugs—	
(6) Quantity of drugs covered by pass—		(6) Quantity of drugs covered by pass—	
(7) Period for which pass will be current—		(7) Period for which pass will be current—	

*Signature.*

*Signature.*

**No. 1083-908.**—In exercise of the power conferred by section 15, sub-section (1), of the Excise Act, 1896 (XII of 1896) the Chief Commissioner of Ajmere-Merwara is pleased to fix the following rate for warehouse dues payable upon intoxicating drugs lodged in the bonded warehouse established at Ajmere, that is to say:—

For each package of drugs, for every month or part of a month during which it is stored—four annas.

**No. 1084-908.**—In exercise of the power conferred by section 22, sub-section (2), of the Excise Act, 1896 (XII of 1896), the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Collector of Excise Revenue, Ajmere-Merwara, to grant licenses for the sale of intoxicating drugs, whole-sale, to a farmer of the fees leviable for the retail sale of such drugs under section 25, sub-section (1), of the said Act.

**No. 1085-908.**—In exercise of the powers conferred by section 65 of the Excise Act, 1896 (XII of 1896), the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules:—



# ADDENDA.

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[Excise.

*Rules for Intoxicating Drugs.*

## PART I.

### *Import of intoxicating drugs.*

1. The passes for the import of intoxicating drugs into Ajmere-Merwara granted by the Collector of Excise Revenue, Ajmere-Merwara, shall be in Form I, and the register of such passes issued, kept in the office of the said Collector, shall be in Form II.

## PART II.

### *Bonded warehouse established under Notification No. 1080-908, dated 14th September 1898.*

2. The daily registers of deposits and withdrawals of drugs referred to in rule 12 of the rules issued by the Chief Commissioner under section 19 of the Excise Act, 1896, shall be in forms Nos. III and IV. Separate registers in these forms will be maintained for each different kind of drug.

3. The pass-book referred to in rule 14 of the above-mentioned rules shall be in form No. V.

4. The pass for the removal of drugs from a warehouse referred to in rule 19 of the above-mentioned rules shall be in form No. VI. The first part or counterfoil shall remain attached permanently to the book: the second shall be torn off and given to the applicant; the third shall be sent to the officer in charge of the bonded warehouse.

5. A register of passes issued shall be kept up in form No. VII.

6. The application referred to in rule 20 of the above-mentioned rules shall be in form No. VIII.

7. The receipt for warehouse dues referred to in rule 25 of the above-mentioned rules shall be in form No. IX, and the registers of warehouse dues referred to in rule 26 of the same rules shall be in form No. X.

8. The abstract registers of deposits, withdrawals and balances of drugs in the warehouse referred to in rule 27 of the above-mentioned rules shall be in form No. XI.





# ADDENDA.

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## [Excise. *Rules for Intoxicating Drugs.*

### PART III.

*Farm under section 25 (1) (a) of the Excise Act, 1896, of the fees leviable for the retail sale of intoxicating drugs.*

9. Licenses for the farm of intoxicating drugs shall ordinarily be granted annually, but the Collector of Excise Revenue, Ajmere-Merwara, may, with the previous sanction of the Chief Commissioner, let the farm for a period not exceeding 3 years.

10. The farmer shall pay the amount of his farm by such instalments and on such dates as may be ordered by the Collector of Excise Revenue, Ajmere-Merwara, at the time of the sale of the farm by public auction. He shall also contribute such quota of the cost of preventive establishment as may be determined by the said Collector.

11. The farmer shall deposit in advance a portion of the amount payable by him for the term of his farm, by way of security, and shall furnish security for another portion in house property or Government Promissory notes as may be determined by the Collector of Excise Revenue, Ajmere-Merwara. The amounts of such advance or security shall be fixed by the said Collector.

12. The lease of the fees leviable for the retail sale of intoxicating drugs under section 25 (1) (a) of the Excise Act, 1896, shall be in form No. XII.

A counterpart in the same form shall at the same time be executed by the farmer and deposited in the office of the Collector of Excise Revenue Ajmere-Merwara.

13. The licenses for the retail sale of intoxicating drugs granted by the farmer under section 25 (2) of the said Act shall be countersigned by the Collector of Excise Revenue, Ajmere-Merwara, and shall be in form No. XIII.

14. The list of such licenses granted by the farmer under section 25 (2) of the said Act shall state the locality of the shops and the names of the persons in whose favour the licenses have been granted, and shall be filed by him in the office of the Collector of Excise Revenue, Ajmere-Merwara, on or before the 1st of April of each year.



## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

15. The farmer may, subject to the approval of the Collector of Excise Revenue, Ajmere-Merwara, appoint by instrument in writing one or more agents to act in his behalf in all or any of the matters connected with the farming lease.

16. To cover the transfer of intoxicating drugs to shops within the limits of his farm, the farmer holding a wholesale license shall issue a pass in form A of the rules made under section 20 of the Excise Act, 1896, for which purpose books of passes shall be issued to him free of cost. He shall fill in the counterfoil and shall return each book when exhausted to the Collector of Excise Revenue, Ajmere-Merwara. Each package covered by such pass shall be securely packed, and shall have affixed to it a ticket bearing the number of the pass and showing the gross weight of the package.

17. The Chief Commissioner may abolish or alter any of the forms prescribed in the foregoing rules, and may prescribe fresh forms in substitution therefor or in addition thereto.

Licenses for the retail sale of intoxicating drugs under section 22 (1) of the Excise Act, 1896.

18. The number and situation of shops for the retail sale of intoxicating drugs for which licenses are to be granted under section 22 (2) of the Excise Act, 1896, shall, subject to the directions issued by the Chief Commissioner for ascertaining and consulting local public opinion before new excise shops of any description are opened, be determined by the Collector of Excise Revenue, with the sanction of the Commissioner Ajmere-Merwara.



# ADDENDA.

## FORM No. I.

Pass for import of drugs into the Ajmere-Merwara district from

<p>No. . . . .</p> <p>Date . . . . .</p> <p>1. Name of Importer— 2. Name of person in charge of con- signment— 3. Description of drugs— 4. Quantity of drugs— 5. Place from which drugs are to be imported— 6. Route— 7. Period for which pass is current—</p> <p>Collector of Excise Revenue,</p>	<p>No. . . . .</p> <p>Date . . . . .</p> <p>1. Name of importer— 2. Name of person in charge of consignment— 3. Description of drugs— 4. Quantity of drugs— 5. Place from which drugs are to be imported— 6. Route— 7. Period for which pass is current—</p> <p>Collector of Excise Revenue,</p>	<p>No. . . . .</p> <p>Date . . . . .</p> <p>1. Name of Importer— 2. Name of person in charge of consignment— 3. Description of drugs— 4. Quantity of drugs— 5. Place from which drugs are to be imported— 6. Route— 7. Period for which pass is current—</p> <p>Collector of Excise Revenue,</p>
<p>To</p> <p>THE RESIDENT or POLITICAL AGENT of</p> <p>SIR,</p> <p>I have the honour to request that on the pro- duction of this pass by the person named in side heading ( ), you will be good enough to return it to him after endorsing on it the quantity of drugs to be exported. It is requested that simi- lar entries may be made on the back of the copy of the pass forwarded to you which should then be returned by post direct to this office.</p> <p>I have, etc.</p> <p>Collector of Excise Revenue,</p>		

[Excise.  
Rules for Intoxicating Drugs.



## ADDENDA.

[Excise.

### *Rules for Intoxicating Drugs.*

FORM No. II.

*Register of pass for the import of drugs into the Amere-Meruwa district.*

[illegible]





## FORM No. III.

### Register of Deposits:

### *Rules for Intoxicating Drugs.*

No.	Date.	Name of Importer.	Description of drugs.	Number of packages.	Weight.	Signature of Importer.	REMARKS.
1	2	3	4	5	6	7	8



# ADDENDA.

[Excise.

*Rules for Indorising Drugs.*

## FORM No. IV.

### *Register of Withdrawals.*

No.	Date.	Name of Importer.	Description of drugs.	Number of bundles.	Weight.	Number and date of the Collector's pass.	Number of deposit register.	Signature of the owner.	Remarks.
1	2	3	4	5	6	7	8	9	10



### Rules for Intoxicating Drugs.

*Pass of drugs deposited in warehouse at*

Name of depositor—

## Description of drugs—

[illegible]

11-11

- (1) A separate book will be used for each different kind of drug.
- (2) Each package must be separately entered with its registered  
of deposits and withdrawals.



## FORM No. VI.

*Pass for the removal of drugs from warehouse into the district.*

[Excise.

*Rules for Intoxicating Drugs.*

<ol style="list-style-type: none"> <li>1. Serial Number.</li> <li>2. Warehouse from which drugs are to be removed.</li> <li>3. Quantity and description of drugs to be removed.</li> <li>4. Name of person in charge of consignment.</li> <li>5. Date of issue of pass.</li> <li>6. Date of expiry of pass.</li> <li>7. Signature of Collector.</li> </ol>	<ol style="list-style-type: none"> <li>1. Serial Number.</li> <li>2. Warehouse from which drugs are to be removed.</li> <li>3. Quantity and description of drugs to be removed.</li> <li>4. Name of person in charge of consignment.</li> <li>5. Date of issue of pass.</li> <li>6. Date of expiry of pass.</li> <li>7. Signature of Collector.</li> </ol>	<ol style="list-style-type: none"> <li>1. Serial Number.</li> <li>2. Warehouse from which drugs are to be removed.</li> <li>3. Quantity and description of drugs to be removed.</li> <li>4. Name of person in charge of consignment.</li> <li>5. Date of issue of pass.</li> <li>6. Date of expiry of pass.</li> <li>7. Signature of Collector.</li> </ol>
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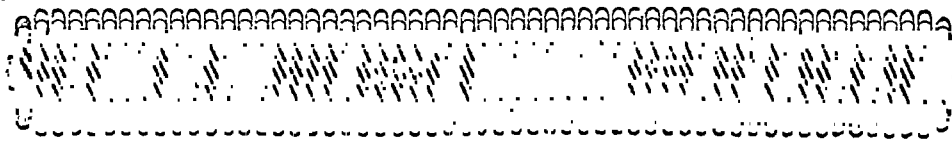


*Receipt for Warehouse Dues.*

*Receipt for Warehouse Dues.*

No.	Date.
1	Name of Depositor—
2	Registered number of packages—
3	Period of retention in Warehouse—
4	Dues realized—
5	Signature—

No.	Date.
1	Name of Depositor—
2	Registered number of packages—
3	Period of retention in Warehouse—
4	Dues realized—
5	Signature—



ADDENDA.

[Excise.  
*Rules for Intoxicating Drugs.*



## ADDENDA.

[Excise.

### *Rules for Intoxicating Drugs.*

FORM No. X.

### Register of Dues in the Warehouse at

[illegible]

NOTE.—(1) Each package on which dues are realized will be separately entered.

(2) A line will be drawn across the page after the last entry for the day and a total given to the figures in column 7, which will be attested by the initials of the officer in charge in column 9. The Treasury receipt should be for the full amount of realizations for each day, and the number and date will be entered opposite the entry in column 10.



# ADDENDA.

FORM NO. XI.

Abstract Register of Deposits, Withdrawals and Balances of Intoxicating Drugs in the Warehouse.

PARTICULARS.	Bhang.	Ganja.	Charas.	REMARKS.
	2	3	4	5
1				
Balance at the close of the last month ...	...	...	...	...
Deposited during the month ...	...	...	...	...
TOTAL ...	...	...	...	...
Withdrawn during the month ...	...	...	...	...
Balance in store at the close of month ...	...	...	...	...

[Excise.  
Rules for Intoxicating Drugs.



## ADDENDA.

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[Excise.

### *Rules for Intoxicating Drugs.*

#### No. XII.

##### *Form of farming lease for Intoxicating Drugs.*

Be it known that \_\_\_\_\_ of \_\_\_\_\_ is hereby authorized by the Collector of Ajmere to sell Bhang, Ganja, Charas and preparations and admixtures thereof, wholesale and retail, in the district of \_\_\_\_\_, including the Cantonments upon the following conditions, any infringement of which or of the conditions imposed by the Excise Act, XII of 1896, or by the rules made thereunder, shall render his license and the money deposited as security liable to forfeiture, and subject him to the penalty prescribed by law for such offence—

- (1) That he shall pay monthly in advance on the 1st day of each month, commencing on the . . . . . on account of his farm the following sums:—
- (2) That all risks of loss from failure of seasons or from any other cause whatsoever, shall be borne by him, and he shall make all payments as aforesaid from time to time as they fall due, without any excuse or claim for compensation whatever.
- (3) That he shall be bound by the Excise Act and the rules framed thereunder by the Chief Commissioner.
- (4) That he shall keep a shop (or shops) only at the place (or places) noted in the margin, or at such other places as the Collector may from time to time permit or order, and shall make his sales only in it (or them) and nowhere else.
- (5) That he shall make his own arrangements for obtaining supplies of intoxicating drugs which he is hereby authorized to sell, provided always that the drugs shall be imported only by rail through the Ajmere Railway Station, and they shall be forthwith removed direct to the Ajmere bonded warehouse and kept there until duty imposed on them under the Excise Act is paid, and that he shall not purchase the same from any person in the district of Ajmere-Merwara other than the Collector of Ajmere, and that he shall always maintain in his shop or shops such minima stock of intoxicating drugs of such kind as may be directed by the Collector.









## ADDENDA.

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### [Excise.

#### *Rules for Intoxicating Drugs.*

- (16) That the weights and measures used in his shops shall be such only as may be prescribed by the Collector, and shall be tested and stamped at his expense under the orders of the Collector.
- (17) That he shall have constantly fixed in a conspicuous part of the front of his shop a sign-board bearing in legible character in the Hindi language his name and the words "Licensed wholesale and retail vendor of drugs."
- (18) That he shall produce for inspection on the demand of the Collector or any Excise Officer his lease (or license) and accounts, and allow such officer access to his shop when required so to do.
- (19) That illicit ganja or bhang or any intoxicating drugs confiscated under the Act shall be purchased by him at such rate as the Collector may determine, not exceeding the ordinary market rate obtaining in adjacent native territory and the duty imposed by law in Ajmere-Merwara.
- (20) That the licensed vendors subordinate to him shall be considered to be his agents, and he shall be held responsible for the due fulfilment by them of all conditions of their licenses.
- (21) That the intoxicating drugs supplied by him shall always be of good quality and free from adulteration.
- (22) That he shall not supply any intoxicating drugs to European soldiers, Non-Commissioned officers, whether with their regiments or on the staff or in civil employ, or camp followers of European regiments, or to any servants, natives or others having access to European soldiers.
- (23) That he shall not sell intoxicating drugs on credit except to his licensed retail vendors.
- (24) That he shall issue licenses to his retail vendors in the form prescribed by the Chief Commissioner, and shall get them before issue countersigned by the Collector.
- (25) The Collector has the option of cancelling this license under the provisions of the Excise Act (XII of 1896). The cancellation of this license involves or effects the cancellation of the license or licenses granted by the farmer.



## ADDENDA.

[Excise.

### *Rules for Intoxicating Drugs.*

- (26) That it shall be competent to the Collector on cancelment of the lease and forfeiture of the deposit to resell the lease at the risk of the farmer, and after deducting the forfeited deposit from any loss arising from the resale, to recover the remainder, if any, from the farmer as if it were an arrear of land revenue.
- (27) That the said.....shall give immediate information to the Collector of Excise Revenue, Ajmere-Merwara, of any breach of the law or rules relating to excise that he may know or have reason to believe to have been committed by any person holding from him a license for retail sale.
- (28) That no consumption of bhang, ganja and charas or any preparation or admixture thereof shall be allowed on the premises.

*Collector of Excise Revenue, Ajmere-Merwara.*

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### No. XIII.

#### *Form of license for retail sale of intoxicating drugs.*

Be it known that \_\_\_\_\_ of \_\_\_\_\_ is hereby authorised by farmer of intoxicating drugs in the District of Ajmere-Merwara, with the previous approval of the Collector, to sell bhang, ganja, charas and preparations and admixtures thereof, retail in the town or village of \_\_\_\_\_ in the District of \_\_\_\_\_ upon the following conditions, any infringement of which, or, of any of the conditions imposed by the Excise Act, XII of 1896, or by the rules made thereunder, shall render his license liable to forfeiture, and subject him to the penalty prescribed by law for such offence:—

- (1) That he shall obtain his supplies from the Sadar Farmer.
- (2) That he shall only sell by retail up to the limit prescribed in clause (n) of section 3 of Act XII of 1896, *viz.*, bhang or any preparation or admixture thereof, one seer (80 tolas), ganja or charas or any preparation or admixture thereof five tolas.









[Excise.

*Rules for Intoxicating Drugs.*

- (13) That he shall not supply any intoxicating drugs to European soldiers or Non-Commissioned officers, whether with their regiments, or the staff or Civil employ, or camp followers of European regiments, or to any servants, natives or others, having access to European soldiers.
- (14) That he shall not sell intoxicating drugs on credit.
- (15) That consumption of bhang, ganja, or charas, or any preparation or admixture thereof shall not be allowed on the premises.
- (16) That in the event of the license-holder placing any male member of his family in charge of his shop, he shall be personally responsible in all respects for the acts and omissions of such person.
- (17) That he shall not permit any female minor or eunuch to sell or assist in the sale of drugs upon his premises.
- (18) That if he has in his possession after the expiry of his license, any intoxicating drugs which he is unable to dispose of, he shall surrender the same to the Collector, who will make the drugs over to the licensed farmer, requiring him to make payment for the same to the licensed retail vendor at the ordinary market rates.
- (19) This license shall have effect from the \_\_\_\_\_ day of \_\_\_\_\_, and unless renewed by the order of the Collector by the \_\_\_\_\_ day of \_\_\_\_\_, being the expiration of the period for which it was granted, shall cease to remain in force, notwithstanding that a special order recalling it has not been issued by the Collector.
- (20) This license may be recalled by the farmer on application to the Collector.
- (a) for violation of any of the conditions specified in this license;
- (b) if the holder of this license be convicted of breach of the peace, or of any other criminal offence during the currency of this license.



## RULES ISSUED BY THE COMMISSIONER FOR THE GUIDANCE OF THE SETTLEMENT OFFICER IN 1875.

*Rules for investigation of the Revenue free holdings of the Ajmere District (finally approved by Chief Commissioner in his No. 805, dated 29th September 1873,) and subsequently abstracted from Commissioner's letter No. 3056, dated 5th September 1873, and Settlement Officer's No. 289, dated 11th July 1873, so as to accompany the printed Registers for sanction of Government.*

—

I.—Muafi-holdings will be divided into the following classes. This division will be maintained during investigation, but will not necessarily be preserved in the District Registers :—

*Class I.*—Grants on account of charitable institutions and sacred buildings.

*Class II.*—Hereditary grants where no alienation has taken place.

*Class III.*—Hereditary grants where the grantee is not owner of the land, and has alienated the revenue.  
This classification is in accordance with the orders of the Govt. of India.

*Class IV.*—Hereditary grants where the grantee is also owner, and has alienated his right of ownership or the revenue.

*Class V.*—Grants for a life or lives.

*Class VI.*—Revenue-free-holdings which have irregularly come into possession of the occupants.

*Class VII.*—Revenue-free-holdings in Jagir Estates.

2. The Register prepared by Colonel Dixon under the orders of Government conveyed in No. 4311, dated 28th September 1844, shall be accepted, if the grantee is in possession. At the end of the investigation in this settlement, an abstract of such grants will be submitted for the formal sanction of Government, each holding as classed above, will probably group itself under one of the following conditions :—

*Condition I.*—Small plots of revenue-free-land not exceeding 10 bighas given on Colonel Dixon's authority, on the founding of a new hamlet, will be continued as if sanctioned, provided the grantee is in actual occupancy; and at the end of the investigation of this settlement an abstract of such grants will be submitted for the formal sanction of Government.





## ADDENDA.

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### [Land Revenue.

*Condition II.*—Grants of the first class are in perpetuity, that is to say, as long as the institution or building exists, but are not transferable. If any such grants be discovered to have been mortgaged, the mortgage bond shall be declared null and void, the mortgagee being left to recover his money in the Civil Court from the mortgagor personally. This condition will be entered in the Substantive Revenue Law for the Province, to make it binding on Civil Courts. The grant being given for the support of a building, no temporary Incumbent can of course, have any power of alienation.

*Condition III.*—Grants of the second class are resumable on failure of lineal heirs, but this liability to resumption may be obviated by the grantee accepting a quit-rent equal to one-fourth of the ordinary assessment.

*Vide* Govt. of India letter No. 67 R., dated 9th March 1873, to Chief Commissioner.

*Condition IV.*—Grants of the third class will be resumed and the Settlement made at one-fourth the ordinary assessment with the transferee.

*Condition V.*—In Grants of the fourth class inquiry will be made as to whether the grantee has retained an equivalent to the government revenue. This is to be ascertained by assessing the land at the Village rates. If an equivalent to the Government Revenue has been retained, the class will merge under Class II, if not under Class III.

*Condition VI.*—The rate of one-fourth the assessment is a perpetual rate, though the amount assessed is liable to variation at each revision of settlement.

*Condition VII.*—In life grants, where more than one life is mentioned in the grant, no portion of the grant shall be resumed until all the lives are extinct. This rule is in force in the Punjab, and will be accepted for Ajmere, subject to sanction of Chief Commissioner.

*Condition VIII.*—Life grants amounting in all to 51 bighas 2 biswas granted by Colonel Dixon to Patels in Merwara, shall be continued during the good behaviour of the grantees and their son, resumable after that period at the pleasure of Government.

*Condition IX.*—Holdings falling under Class VI will be resumed at once, and settled at village rates with the owner of the land.





## ADDENDA.

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### [Land Revenue.]

*Condition X.*—In Jagir Estates belonging to institutions, no alienation to Muafidars in future to be allowed, but all present holders of revenue-free-land whose revenue-free-title has been sanctioned by a Government Officer, or by the Committee of the Institution, to be recorded. It shall be open to the trustee to apply for resumption of any plots falling under Class III, and these shall be summarily included in the Jagir-Khalsa; as the grants to the Durgahs have no right to be frittered away amongst the servitors of the temple.

*Condition XI.*—All land held Revenue-free by a Muafidar, which is shown by measurement to exceed more than 5 per cent. of the amount to which he is entitled, shall be resumed, and settled with the Ex-Muafidar unless some individual right of ownership is proved, when the land shall be settled with the owner. The Muafidar shall be allowed to point out the fields belonging to his grant.

*Condition XII.*—Any excess over 5 per cent. in a Jagir Estate shall be resumed, and included in the Jagir, on the application of the Manager or Jagirdar.

*Condition XIII.*—Resumptions will ordinarily take effect from the commencement of the agricultural year following the date of resumption: where any fraud or deceit is established, the order of the dates from which resumption is to take effect, will be separately specified in each case.

No Sanads have been given under British Rule, but draft Sanads\* will be submitted on the completion of the enquiry, precisely defining the conditions of each grant.

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\* A copy of the Register entry will possibly suffice for a Sanad.

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# ADDENDA.

[Land Revenue.

Page 708A.

*Rules for the remission and suspension of revenue in Ajmere-Merwara on failure of crops by reason of physical calamities (sanctioned by the Government of India, in the Foreign Department, in their letter No. 2917-I, dated 4th September 1895.)*

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1. Physical Calamities are, for the purposes of these rules, divided into two classes:—

A.—Calamities, such as failure of rain, or general floods, which injure or destroy the crops, or prevent their being sown, over the whole of a considerable tract.

B.—Calamities occasioned by hail-storms, locusts, local inundations, &c., which are confined to definite local limits, the adjoining crops being uninjured.

## *I.—Calamities of the A. Class.*

2. When it is anticipated that the crops will, in any season, be much below the normal in area or outturn, the Assistant Commissioner will depute the Revenue Extra Assistant Commissioner to the tract believed to be affected, and that officer, if he thinks that revenue should be suspended or remitted in any village, will submit his proposals in Form A, after visiting each village, for which suspensions or remissions are proposed. These proposals should be made immediately after the completion of the girdawari.

3. The proposals made should be for the suspension, not for the immediate remission, of the demand and (except where it may be desired to exclude any holdings or groups of holdings or villages within the affected tract, which, owing to any peculiar advantages, such as irrigation, natural or artificial, or of any other kind, have been saved from the general calamity under consideration), should in no case deal with areas smaller than whole villages or large parts of villages, the relief afforded being distributed rateably over all the holdings to which it extends.

4. The proposals will be forwarded at once by the Assistant Commissioner, with such modifications as he thinks fit, to the Commissioner, and the Assistant Commissioner will at the same time pass orders temporarily,



## [Land Revenue.

suspending collection till the receipt of orders from the Commissioner. The Commissioner may pass orders suspending the collection of the whole or any portion of the revenue, and should send a copy of his orders to the Chief Commissioner.

5. At the time when revenue is suspended, no date will be fixed for the recovery of the suspended demand: but the Assistant Commissioner will report (in Form C appended) immediately after the girdawari of each succeeding harvest, stating what portion of any suspended revenue should be collected at the ensuing kist, and the Commissioner will, on this report, pass such orders as he thinks fit, sending a copy of his orders to the Chief Commissioner. Revenue that has been suspended should ordinarily be collected within two years; and three years should be the maximum term of suspension, unless for special reasons which should be explained.

6. When further suspension of the revenue is considered undesirable, the Chief Commissioner may remit a whole or a part of the revenue still uncollected.

### *II.—Calamities of the B. Class.*

7. On the occurrence of damage, the girdawar will at once prepare a return in Form B. This return will be personally checked on the spot by the Tahsildar or Naib Tahsildar in immediate charge of the locality or the Deputy Magistrate of Kekri, and will be forwarded by the officer in question, with his recommendations, through the Revenue Extra Assistant Commissioner to the Assistant Commissioner.

8. Proposals should not, as a rule, be made where the area damaged is less than 10 per cent. of the malguzar's holding. They should ordinarily be for the immediate remission of the whole or part of the demand, and these proposals will relate, not to the total village demand, but to the demand upon individual fields. The proportion of the demand to be remitted on each field affected will depend upon the estimated outturn according to the following scale:—

- (a) if the yield of the cultivated area of the field is estimated at 6 annas \* or less, the whole demand;
- (b) if the yield is estimated at more than 6, and not more than 12 annas, \* half the demand;
- (c) if the yield is estimated at more than 12 annas,\* nothing.

\* Sixteen annas being taken as an average yield for the area in question.



## ADDENDA.

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### [Land Revenue.

14. When a malguzar ordinarily receives a fixed cash or kind rent from a tenant in respect of land for which suspension or remission of revenue is proposed, the revenue should not be suspended or remitted unless the malguzar agrees in writing to suspend or remit a proportional amount of the rent due for the same harvest; and if it should at any time be found that he has realised any portion of the rent so suspended or remitted, the whole of the revenue suspended or remitted in his favour may immediately be realised by the Commissioner's orders.

15. When suspensions or remissions have been granted, the lambardar of the villages concerned should be furnished with a detailed list of such suspensions and remissions, unless they take the form of a rateable suspension or remission of the whole demand on the village, in which case the rate of suspension or remission should be communicated to them; and each malguzar and each tenant should receive a written notice from the patwari of the extent to which the revenue or rent due from him is suspended or remitted.

16. If in any harvest the Chief Commissioner proposes to remit more than 10 per cent. of the total land revenue of the Province for that harvest, the sanction of the Government of India must first be obtained, the revenue meanwhile remaining suspended.





# ADDENDA.

[Land Revenue.

## FORM A.

Proposals for suspension of land revenue proposed on account of calamities of the A class for the \_\_\_\_\_  
harvest of the year \_\_\_\_\_

Serial No.	Name of village.	Total sanctioned demand for the harvest.	Cultivated area on which last assessment was based.	AREA BY KHASEA GIRDAWARI FOR PRESENT HARVEST.			Estimate in annas of outturn per acre in area harvested.	Amount of the demand entered in column 3 which it is proposed to		REMARKS, e.g., nature of chief crop; character of preceding harvests; solvency of the malguzars, etc.
				Sown.	Failed or Destroyed	Matured.		Collect.	Suspend.	
1	2	3	4	5	6	7	8	9	10	11.



# ADDENDA.

[Land Revenue.]

## FORM B.

Proposals for remission of land revenue proposed on account of the B class for the \_\_\_\_\_ harvest of the \_\_\_\_\_ year \_\_\_\_\_ in the village of \_\_\_\_\_

Khatam No. with Name of Mogharab.	Name of Mogharab (city).	Kharab No. of each dekhannage.	Cultivated area of each field in column 3.	Estimated out- turn in six- tenths of a crop of the cul- tivated area of each field.	Proportion of revenue to be remitted.	DEMAND ON EACH FIELD.			REMARKS.
						Total.	To be remitted.	To be recovered.	
1	0	3	4	5	6	7	8	9	10



# ADDENDA.

## Land Revenue.

Substitute the following for Rule VIII at page 744.

[a] VIII. Either before their nomination, or at the first half-yearly examination held after a period of three calendar months has elapsed since their nomination, all candidates, whether hereditary or otherwise, must pass an examination in the following subjects:—

- (a) Hindi reading and writing.
- (b) Urdu " "
- (c) Arithmetic.
- (d) English figures.
- (e) Plane Table Survey and Computation of Areas.
- (f) General Revenue Law.
- (g) Revenue Rules, with special reference to the Patwaris and Supervisors.

[a] (Chief Commissioner's Notification No. 1235A, dated 10th October 1896. *Vide Gazette of India*, Part II, dated 7th November 1896.



## ADDENDA.

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[Miscellaneous.

On production of the supply order the depôt-keeper will issue supplies free of charge to the amount therein entered and take a receipt for them. Any further requirements will be issued on payment only.

*N.B.*—As supplies will be delivered at depot villages only, officers halting elsewhere must make their own arrangements for conveyance to their camp.

4. Except as provided in Rule 3 all supplies issued from a depôt must be paid for in cash before removal, in accordance with an official price list which will be kept at each depôt.

Supplies will be issued on payment without limit as to amount, provided they are required for the *bonâ fide* use of a Government Officer whilst on tour, or for that of any person attached to or accompanying his camp.

5. A refund will be made at the close of each month of all sums paid by any Government Officer on account of supplies purchased from a depôt in accordance with the scale given below and limited to the persons therein named.

This concession is based on the practice recognized in the orders now in force for the use of free "Rasad" to Government Officers whilst on tour or on District duty, and to their Office Establishment and private servants accompanying them in camp. It must not be regarded as a right, and is liable to withdrawal or curtailment if necessary.

Refunds will be made by application on printed forms only, to be signed, in the case of Gazetted Officers, by the Officer for whose camp the supplies have been furnished, and in all other cases by the Officer claiming the refund, countersigned by a departmental Superior Officer.

All applications for refunds should be submitted to the Assistant Commissioner of the District, as soon after the close of the month in which payment was made as is possible, who will examine and pass them for adjustment by the Forest Department.

6. The accounts of all the depots for supplies in each District must be compiled and checked in the Forest Department, and an annual return prepared and submitted to the Conservator, showing the financial results of the working of these Rules.

(Sd.) A. P. THORNTON, LT.-COL.,

*Comr. and Conservator of Forests,*

*Dated 26th January 1899.*

*Ajmere-Merwara.*

# ADDENDA.

[Municipalities.

To be substituted for the Schedule printed at page 982.

## REVISED SCHEDULE OF OCTROI FOR THE MUNICIPALITY OF AJMERE.

*Schedule came into force from 1st April 1899.*

2		3			
1.	Name of Articles.	Sanctioned rate of Taxation.			Per.
		Rb.	A.	P.	
	I.—ARTICLES OF FOOD AND DRINK FOR MEN AND ANIMALS.				
1	Betel Leaves ... ..	2	0	0	Md.
2	„ Nuts ... ..	1	8	0	„
3	Fruits—Cocoanuts (Kernel) ... ..	0	8	0	„
4	„ „ with outer rind ... ..	0	3	0	100
5	„ Pistachio Nuts ... ..	1	0	0	Md.
6	„ Rasins ... ..	0	12	0	„
7	„ Almonds ... ..	0	12	0	„
8	„ Munakkas ... ..	0	12	0	„
9	„ Mangoes imported for sale only	0	0	6	Rupee
10	Ghi ... ..	1	0	0	Md.
11	Grain—all descriptions ... ..	0	0	6	„
12	Pulses of all kinds... ..	0	0	9	„
13	Meda (Fine Flour) and Suji ... ..	0	1	6	„
14	Ata (Flour) ... ..	0	0	9	„
15	Cornflour and all Oilman's Stores and Provisions, Indian and Foreign ...	0	1	0	Rupee
16	Rice ... ..	0	3	6	Md.

[a] Sanctioned by Chief Commissioner's, Notification No. 897S, dated 27th March 1899.  
Gazette of India, dated 8th April 1899, Part II., page 367.





# ADDENDA.

[Municipalities.

1	2	3		
No.	Names of Articles.	Sanctioned rate of Taxation.		Per.
		Rs.	A. P.	
	<b>Saccharine Produce.</b>			
17	Sugar—Fully refined ... ..	1	0 0	Md.
18	„ Ordinary ... ..	0	10 0	„
19	„ Gur ... ..	0	2 6	„
20	Tea ... ..	5	0 0	„
	<b>Vegetables.</b>			
21	Potatoes ... ..	0	3 0	Md.
22	Arvi ... ..	0	3 0	„
	<b>II.—ANIMALS FOR SLAUGHTER.</b>			
23	Sheep and Goats ... ..	0	1 3	Head
	<b>III.—ARTICLES OF FUEL, LIGHTING AND WASHING.</b>			
24	Charcoal ... ..	0	2 0	Md.
25	Oil seeds ... ..	0	3 6	„
26	All sorts of oil except Kerosine ... ..	0	5 0	„
	<b>IV.—ARTICLES USED IN THE CONSTRUCTION OF BUILDINGS.</b>			
27	Munj ... ..	0	2 0	Md.
28	Slabs—Large and small (Patti and Kutla),	0	1 6	Cart load
29	„ Large (Pattis) ... ..	0	2 0	„
30	„ Small (Katlas) ... ..	0	1 0	„



# ADDENDA.

[Municipalities.]

1	2	3			
No.	Names of Articles.	Sanctioned rate of Taxation.			Per.
		Rs.	A.	P.	
31	Bamboos ... ..	6	6	0	Md.
32	Poles ... ..	1	0	0	Cart load
V.—DRUGS, GUMS, SPICES AND PERFUMES.					
33	Gums of all sorts ... ..	1	0	0	Md.
34	Dry chillies ... ..	0	6	0	„
35	Turmeric ... ..	0	8	0	Md.
36	Spices ... ..	0	0	6	Rupee
VI.—TOBACCO.					
37	1st sort (Malwa) ... ..	2	0	0	Md.
38	2nd sort (Zarda) ... ..	0	12	0	„
39	3rd sort (Purbi and Desi) ... ..	0	6	0	„
40	Indian of all other sorts manufactured and unmanufactured (Cigars, Cigarettes, tobacco for pipes, &c.)... ..	3	2	0	Cent.
VII.—PIECE GOODS AND OTHER TEXTILE FABRICS AND MANUFACTURED ARTICLES OF CLOTHING AND DRESS.					
41	Cotton, cleaned and uncleaned ... ..	1	0	0	Cent.
42	Cloth:—				
	(a) Pure cotton ... ..	2	0	0	„
	(b) Other than pure cotton ... ..	3	0	0	„
43	Laces—Gold and Silver ... ..	3	0	0	„



# ADDENDA.

## [Municipalities]

1	2	3			
No.	Name of Articles.	Sanctioned rate of Taxation.			Per.
		Rs.	A.	P.	
44	Leather and things made thereof ...	0	0	3	Rupee
45	Silk and Silk piece Goods ... ..	4	0	0	Cent.
46	Thread—Coarse and Fine ... ..	1	0	0	„
VIII.—METALS.					
47	Metals, and things made thereof excepting gold and silver ... ..	3	0	0	Cent.
IX.—DYEING AND COLOURING MATERIALS.					
48	Five Colours, viz., Red, Yellow, Black, Green, and Blue ... ..	7	13	0	„



## ADDENDA.

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[Police.

Page 1091.

### STANDING ORDER.

Instances having recently occurred in which informers employed by investigating Police Officers have been guilty of fabricating evidence against accused persons, and discredit has thereby been caused to the Ajmere Police force, the following orders are published, and should be strictly observed :—

- (1) Any Police Officer employing an informer will be held strictly responsible for the conduct of that informer, and will be liable to prosecution or departmental punishment should that informer commit any criminal offence in connection with the police investigation of any case.
- (2) No Police Officer except the District Superintendent of Police is authorized to entertain the offer of a reward by any complainant for the recovery of stolen property or for any other object. Any Police Officer transgressing this rule or found negotiating between an informer and the owner of any stolen property for the payment of a reward will be most severely punished, and will be liable to dismissal.
- (3) No Police Officer shall interest himself in any way with the prosecution of a case before the Court of Vakils except under the order of a Magistrate or of the District Superintendent of Police. Any Police Officer found assisting any complainant to recover compensation through the Court of Vakils, or asking for or accepting any portion of such compensation, if awarded, will be most severely punished.

(Sd.) A. P. THORNTON, LT.-COL.,  
*Commissioner and General Superintendent  
of Police, Ajmere-Merwara.*

*Dated 8th March 1899.*





# ADDENDA.

Page 1157.

[Procedure—Civil.]

Under the provisions of Sec. 650*a*. of the Code of Civil Procedure (Act XIV of 1882) the Governor-General in Council has been pleased to declare that summonses issued by any Civil or Revenue Courts in the following States may be sent to the Courts in British India and served as if they had been issued by such Courts:—

(Notification No. 1990-I, dated 20th June 1895. *Gazette of India*, Part I for 1895, page 561.)

Baroda.

(Notification No. 928-I, dated 12th March 1896. *Gazette of India*, Part I for 1896, page 181.)

- 1 Gwalior.
- 2 Dewas State, Senior Branch.
- 3 Do. Junior "
- 4 Rewa.
- 5 Jaora.
- 6 Rutlam.
- 7 Indore.
- 8 Dhar.
- 9 Jhabua.
- 10 Barwani.
- 11 Ali Rajpur.
- 12 Bhopal.
- 13 Orchha.
- 14 Datia.
- 15 Panna.
- 16 Ajaigurh.
- 17 Charkhari.
- 18 Bijawar.
- 19 Baoni.
- 20 Chhatarpur.

(Added by Notification No. 2960-I, dated 1st November 1898. *Gazette of India*, Part I for 1898, page 1085.)

21 Narsingarh.

(Notification No. 752 I.B, dated 17th March 1899. *Gazette of India*, Part I for 1899, page 153.)

Hyderabad (Deccan) Territories.



## CIRCULAR ORDER.

*Under the authority of the Chief Commissioner, the following instructions with regard to cases triable by District Magistrates under the enhanced powers conferred on them under Section 30 of the Criminal Procedure Code, are published for the guidance of all Magisterial Officers in Ajmere-Merwara:—*

(1) All cases triable exclusively by the Court of Sessions should be committed to that Court.

(2) All “Chalans” of cases triable by the District Magistrate under his enhanced powers, and all references made by Magistrates in such cases under Sections 347 and 348 of the Criminal Procedure Code, shall be submitted to the District Magistrate who should use his discretion as to what cases he will dispose of himself, and what cases should be committed for trial to the Court of Sessions.

(3) The District Magistrate should endeavour to dispose of as many of such cases as possible himself in the absence of any special reason to the contrary, which should be recorded in his order directing the commitment of the case to the Sessions Court. He should not ordinarily try—

- (i) Cases in which he takes action on his own knowledge or information.
- (ii) Cases of homicide which appear *prima facie* to be cases of murder, but in which the accused may be able to establish an exception reducing the offence to culpable homicide not amounting to murder.
- (iii) Cases in which a punishment of seven years’ imprisonment would be inadequate; or
- (iv) Other cases in which special grounds exist for rendering a committal to the Sessions Court desirable.

A. P. THORNTON, LT.-COLONEL,  
Commissioner and Sessions Judge,  
Ajmere-Merwara.

AJMERE,  
The 4th April 1899.



## ADDENDA.

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Page 1438.

[Salt.

*Note.*—Notifications Nos. 3207 and 6007, dated respectively, 29th June and November 1889, apply to Bhagalpur Division and Calcutta respectively. y have therefore been omitted.

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Page 1482.

[Stamps—Judicial.

These rules are in continuation of the rules for regulating the supply sale of non-judicial stamps printed at page 1511 to 1517.



[Stamps—Non-Judicial.]

Page 1528A.

## SEPARATE REVENUE.

### STAMPS—NON-JUDICIAL.

[a] *Notification No. 1281 S. R., dated the 17th March 1899.*

In exercise of the power conferred by Section 20, Sub-section (2) of the Indian Stamps Act, 1899, (II of 1899), and of all other powers in this behalf and in supersession of the Notification of the Government of India in the Department of Finance and Commerce, No. 787 S.R., dated the 17th February 1899, the Governor-General in Council is pleased to prescribe the following rates of exchange for the conversion of the currencies hereinafter specified respectively into the currency of British India for the purposes of calculating *ad valorem* duty on instruments chargeable therewith:—

Currency.	Sum.	Equivalent in currency of British India.
British ...	1 Pound Sterling.	Rs. 15; but in the case of Bills of Exchange (Article No. 13, Schedule I) Rs. 10 only.
French ...	1 Franc ...	$\frac{3}{5}$ of a Rupee, i.e., Fcs. 25 = Rs. 15.
German ...	1 Mark ...	$\frac{3}{4}$ of a Rupee, i.e., Mks. 20 = Rs. 15.
United States or Canadian ...	1 Dollar ...	Rs. 3-0-0.
Chinese ...	1 Tael ...	Rs. 2-0-0.
British (Asiatic Possessions) ...	1 Dollar* ...	} Rs. 1-8-0.
Mexican ..	1 „* ...	
Japanese ...	1 Yen ...	
Persian ...	1 Krán ...	Rs. 0-4-0.

[a] *Vide Gazette of India*, dated 18th March 1899, Part I, page 153.

\* That is, the “British Dollar” and the “Mexican Dollar” which are in current use in the Strait Settlements and elsewhere.